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ARCHIVES OF MARYLAND

PROCEEDINGS

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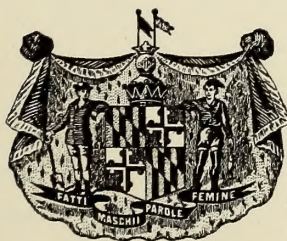
COUNCIL OF MARYLAND

APRIL 15, 1761-SEPTEMBER 24, 1770

MINUTES OF THE BOARD OF REVENUE
OPINIONS ON THE REGULATION OF FEES
INSTRUCTIONS TO GOVERNOR EDEN

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

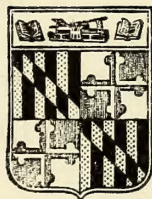
WILLIAM HAND BROWNE
Editor



BALTIMORE
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ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *June 25, 1912.*

To the Maryland Historical Society:

GENTLEMEN:

We have the honor to submit the Thirty-second Volume of the Maryland Archives, being the Proceedings of the Council of Maryland from April 15, 1761, to September 24, 1770; to which are added the Minutes of the Board of Revenue from April 5, 1768, to January 11, 1775; Opinions on the Regulation of Fees, and Orders and Instructions to Governor Eden, March 2, 1773.

Respectfully,

CLAYTON C. HALL,
SAMUEL K. DENNIS,
BERNARD C. STEINER,
Committee.

ARCHIVES OF MARYLAND.

The following volumes have been published :

I.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1637/8-
1664, - - - - - 1883

II.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1666-1676, 1884

III.

PROCEEDINGS OF THE COUNCIL, 1636-1667, - - - - - 1885

IV.

JUDICIAL AND TESTAMENTARY RECORDS OF THE PROVINCIAL
COURT, 1637-1650, - - - - - 1887

V.

PROCEEDINGS OF THE COUNCIL, 1667-1687/8, - - - - - 1887

VI.

CORRESPONDENCE OF GOVERNOR HORATIO SHARPE, I, 1753-1757, 1888

VII.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1678-1683, 1889

VIII.

PROCEEDINGS OF THE COUNCIL, 1687/8-1693, - - - - - 1890

IX.

CORRESPONDENCE OF GOVERNOR HORATIO SHARPE, II, 1757-
1761, - - - - - 1890

X.

JUDICIAL AND TESTAMENTARY RECORDS OF THE PROVINCIAL
COURT, 1650-1657, - - - - - 1891

XI.

JOURNAL OF THE MARYLAND CONVENTION, JULY 26-AUG. 14,
1775, JOURNAL AND CORRESPONDENCE OF THE COUNCIL
OF SAFETY, AUG. 29, 1775-JULY 6, 1776, } 1892

XII.

JOURNAL AND CORRESPONDENCE OF THE COUNCIL OF SAFETY,
JULY 7-DEC. 31, 1776, - - - - - 1893

XIII.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1684-1692, 1894

XIV.

CORRESPONDENCE OF GOVERNOR HORATIO SHARPE, III, 1761-
1771, - - - - - 1895

XV.

PROCEEDINGS OF THE COUNCIL, 1671-1681, - - - - - 1896

XVI.

JOURNAL AND CORRESPONDENCE OF THE COUNCIL OF SAFETY,
JAN. 1-MARCH 20, 1777, JOURNAL AND CORRESPONDENCE
OF THE STATE COUNCIL, MARCH 20, 1777-MARCH 28, 1778, } 1897

XVII.

PROCEEDINGS OF THE COUNCIL, 1681-1685/6, - - - - - 1898

XVIII.

MUSTER ROLLS AND OTHER RECORDS OF SERVICE OF MARYLAND
TROOPS IN THE AMERICAN REVOLUTION, - - - - - 1899

XIX.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARY-
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JOURNAL AND CORRESPONDENCE OF THE COUNCIL OF MARYLAND,
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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, MARCH,
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PROCEEDINGS OF THE COUNCIL, 1696/7-1698, - - - - - 1903

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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARY-
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XXV.

PROCEEDINGS OF THE COUNCIL, 1698-1731, - - - - - 1905

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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARY-
LAND, SEPTEMBER, 1704-APRIL, 1706, - - - - - 1906

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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARY-
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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARY-
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XXX.

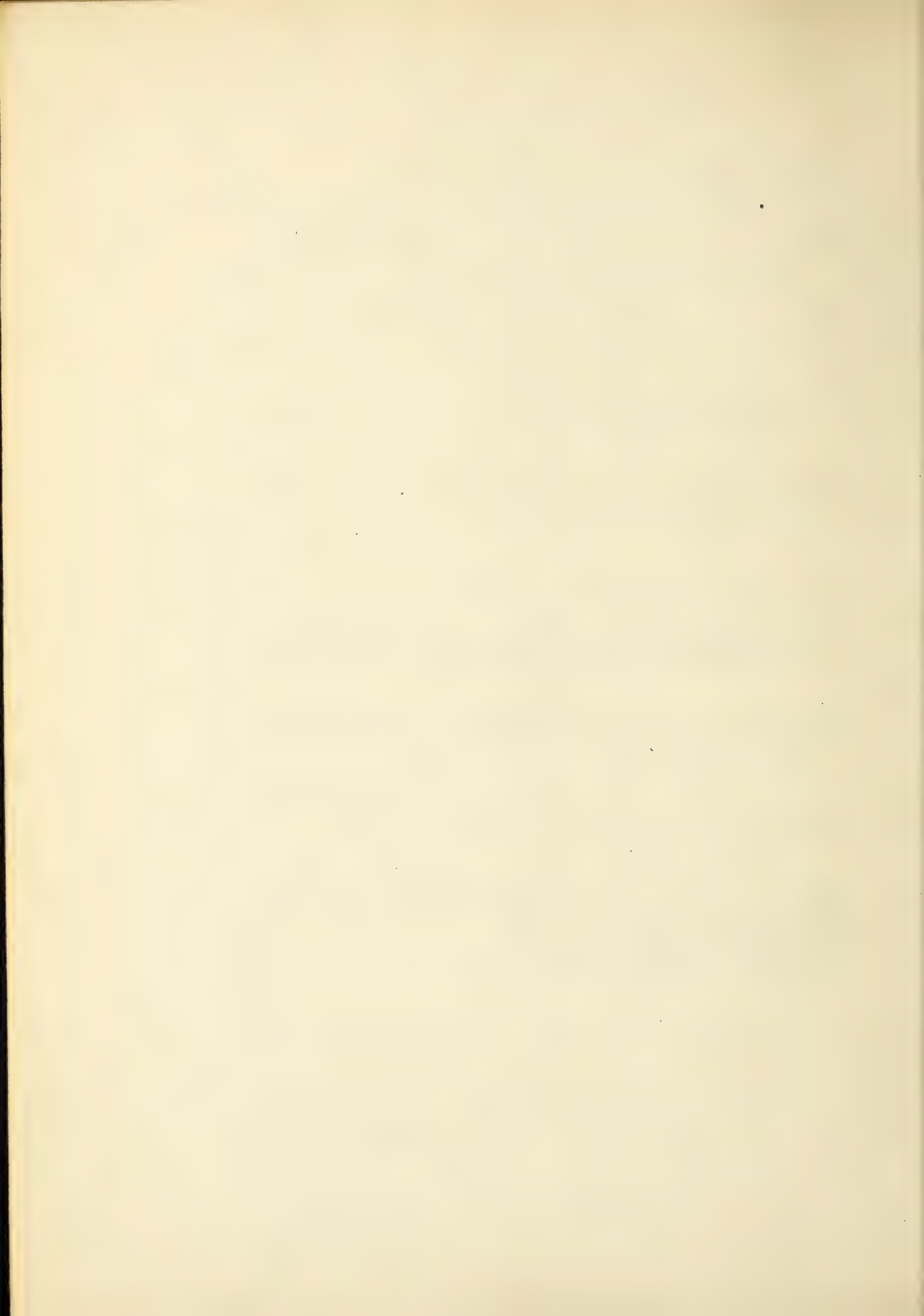
PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARY-
LAND, APRIL 26, 1715-AUGUST 10, 1716, - - - - - 1910

XXXI.

PROCEEDINGS OF THE COUNCIL OF MARYLAND, 1753-1761, } 1911
CORRESPONDENCE OF GOVERNOR SHARPE, 1754-1765,

XXXII.

PROCEEDINGS OF THE COUNCIL OF MARYLAND, 1761-1770, }
MINUTES OF THE BOARD OF REVENUE, } 1912
OPINIONS ON THE REGULATION OF FEES,
INSTRUCTIONS TO GOVERNOR EDEN,



PREFACE.

It has seemed expedient to finish the publication of the Proceedings of the Council, thus making the Series as complete as possible in that respect; so the present volume, beginning where Volume XXXI left off, covers the remainder of Governor Sharpe's administration, and that of Governor Eden down to Sept. 24, 1770. The record of the last years of Eden's government is lost, nor has diligent search in both Annapolis and London succeeded in recovering it; a loss greatly to be regretted, as the period thus left unrecorded was the eventful time just preceding and contemporary with the outbreak of the Revolution.

The entire record of the Provincial Council from 1636 to 1770, so far as it has been preserved, is now secure from future loss.

To the Council Journal have been appended the Minutes of the Board of Revenue for 1768-1775, which throw valuable light on the financial affairs and administration of the Province; also the opinions of eminent English lawyers on the disputed question of the regulation of officers' fees, and the orders and instructions issued to Governor Eden on the accession of Henry Harford, a minor, to the Proprietaryship.

The marriage of Frederick, Lord Baltimore, to Lady Diana Egerton, daughter of the Duke of Bridgewater, necessitated voluminous legal formalities, among the rest a lease, probably unique of its kind, of the entire Province of Maryland, and a Deed of Settlement which impresses the present editor as the *ne plus ultra* of the conveyancer's art.

The disturbances attending resistance to the Stamp Act receive but brief notice. They will be found in fuller detail in the Sharpe correspondence.

The Tuscarora Indians of North Carolina having, some years before, incorporated themselves in the Iroquois Confederacy (which thenceforth was called the Six, instead of the Five, Nations) certain of the Maryland Indians, claiming kindred with the Iroquois, removed in 1748 to Otsiningo on the Susquehannah, and were received into the Confederacy. In 1767 the Nanticoke and Choptank Indians communicated with their brethren at Otsiningo expressing a desire to join them,

and envoys were sent to Maryland to arrange the matter. The envoys were favorably received by the Maryland authorities, provisions and clothing were furnished them, and they were told that the Maryland Indians might freely depart if they wished, and that they would be paid for the lands they relinquished. The Nanticokes went, but the Choptanks remained, and being few in number, soon disappeared. Thus the last dealings which Maryland had with the aborigines in their tribal capacity, were as friendly and equitable as the first.

In 1768 the Assembly received the memorable circular letter from the House of Representatives of Massachusetts Bay, setting forth in impressive words the right of the colonists as British subjects, not to be taxed without their own consent given through their representatives; and as it was impossible that they could be represented in the British Parliament, the colonies had been granted elective legislatures of their own, in which they had "the inalienable right of representation." They therefore called upon the other colonies, through their legislatures, to join them in protesting against the imposition of taxes and duties on British goods in excess of those paid by their fellow-subjects in England.

Lord Hillsborough, representing the King in Council, sent to each Governor a letter denouncing the Massachusetts circular as factious and dangerous, and expressing the hope that the Assembly would treat it with the contempt which it deserved; but if that body showed any disposition to receive it favorably, enjoining the Governor to prorogue or dissolve it at once. Sharpe laid this letter before the Delegates with a message echoing Lord Hillsborough's words.

The Delegates replied with a spirited address, in which, after declaring their respect for the King, their firm attachment to the British constitution, and their regard for "the just and constitutional power" of Parliament, they declare that "we shall not be intimidated by a few sounding expressions from doing what we think is right." With reference to the Massachusetts circular they say:

"What we shall do upon this occasion, or whether in consequence of that letter we shall do anything, it is not our present business to communicate to your Excellency, but of this be pleased to be assured that we cannot be prevailed on to take no notice of, or to treat with the least degree of contempt a letter so expressive of duty and loyalty to the Sovereign, and so replete with just principles of liberty; and your Excellency may depend that whenever we apprehend the rights of the people to be affected, we shall not fail boldly to assert, and steadily endeavor to maintain and support them."

On receiving this defiant address, the Governor prorogued the Assembly.

In the same year, 1768, Governor Sharpe was recalled by the Proprietary, who appointed in his place Robert Eden, the husband of Lady Caroline Calvert, Baltimore's sister. Baltimore, in his letter announcing this change, and indirectly through his secretary, expresses his high appreciation of Sharpe's energetic, intelligent and faithful service, and assures him that there would have been no thought of displacing him but for the claims of "fraternal affection," to which the secretary adds "the solicitation of relatives."

Horatio Sharpe was one of the best governors that colonial Maryland ever had. Intelligent, energetic, firm and conscientious, he maintained an equitable balance in his three-fold duties to the British crown, whose subject he was, to the Proprietary, whom he represented, and to the people whose welfare he had to protect and promote. He had had military training and experience as an officer in the British army, and it soon stood him in good stead. Shortly after he had taken his seat the French and Indian war broke out, and he was made commander-in-chief of all the forces in America operating against the French, until superseded by General Braddock. After the disaster on the Monongahela, Sharpe showed the utmost energy in the defence of the frontier, over which a host of the enemy and their savage allies were expected to pour. But his activities in peace and war can better be studied in the Assembly Journal and his correspondence.

Governor Eden was an exceedingly amiable man, and was highly esteemed, and his feelings toward the Marylanders with whom he was brought into contact were most friendly. During the agitation which was leading to independence he was long persuaded that the disaffected and mutinous were little more than a turbulent rabble, and that the men of influence and substance did not entertain such sentiments. His representations to this effect to the British ministry in the early stage of the war saved Maryland to a great extent from such raids as Dunmore was making on the Virginia coast. When, however, the Convention had assumed all powers, so that not even the shadow of authority was left him, and the colonies were plainly on the eve of declaring their independence, he abdicated his office and departed for England on board a royal frigate, on June 24, 1776, the principal gentlemen of Annapolis escorting him to the vessel in evidence of their personal esteem. After the conclusion of peace he revisited Maryland, and died in Annapolis in 1784.

During his administration the question of Maryland's jurisdiction over the Potomac came up, on the occasion of two vessels seized in that river by a British man-of-war, whose case it was proposed to try before a Virginia court. Upon proper representation, Governor Botetourt and the Virginia authorities recognized Maryland's rights at once, and the vessels were released.

Some references will also be found to the third great spoliation of Maryland, which, begun by Lord Fairfax in 1733 by locating his eastern line far within the charter boundaries of Maryland, without any notification to that Province, and protested against by Maryland for nearly 180 years, has lately received final judicial approval.

In the Minutes of the Board of Revenue, beside much interesting information in regard to the financial system of the Province, will be found some account of the proceedings of the Rev. Bennett Allen, a greedy, brawling and blustering parson, a sort of parasite of Frederick, Lord Baltimore, who—probably to get rid of him—sent him to Maryland, gave him two fat benefices, and made him his Receiver General, in both which capacities, spiritual and temporal, he made more trouble than his head was worth. After a brief but stormy sojourn he returned to England, carrying his grudges with him, and in London he shot and killed Lloyd Dulany.

The opinions of eminent English lawyers on the regulation of officers' fees are appended because they throw light on a question which greatly agitated the Province in 1770, and which seems to be imperfectly understood.

In England the King had the unquestioned right to settle the fees of his own officers, and this right in Maryland was one of the *jura regalia* conferred upon the Proprietary by his charter. The Governor and Council, who represented the Proprietary, exercised the right of drawing up a tariff of fees, which was submitted to the Assembly for confirmation as a matter of grace rather than of right; while the Assembly claimed the right of preventing these fees from being excessive. Hence the Acts passed at various sessions establishing fees usually bore the title "An Act for the limitation of officers' fees."

The Council being also the Upper House of Assembly, there were occasionally disputes between the two Houses on this subject. As the fees were payable in tobacco, and the value of that commodity fluctuated considerably, the acts were drawn for a short term of years, and were revived or modified at their expiration. At times, as in 1642 and 1733

the fees were fixed by the Governor and Council or by the Proprietary (who was in the Province in 1733) and published by proclamation.

In 1747 a tariff of fees was enacted by the Assembly, and continued in force by revivals, the last of which was to expire in 1770.

In the latter year, when the question of fees arose, great friction, even amounting to actual hostility, developed between the two Houses. A joint committee agreed upon a new tariff, but the Upper House rejected it. The Lower House grew still more aggressive; imprisoned a clerk of the Land Office who had charged the fees provided by the old scale, sent a manifesto to the Governor in which they declared that the Proprietary and Council had no right to regulate fees, and that the people would forever resist "the usurpation of such a right." Furthermore, they struck a blow at the Upper House itself, declaring that that body had "manifested an unreasonable attachment to the emoluments of office, and evinced an unjustifiable design to force this branch of the Legislature into a regulation of fees more corresponding to the schemes of wealth and power which, it is to be much apprehended, are formed by some of the great officers of this government, and which, if carried into execution, will tend to the oppression of the people, and, in the end, greatly endanger their liberties."

From a House in such a revolutionary temper, nothing could be expected; and as no business could go on without legal fees, Governor Eden, by advice of the Council, prorogued the Assembly, and by proclamation continued the old tariff of 1747.

When the Assembly convened the next year, the question again came up, and the hostility now showed itself in an attack on the legality of the proclamation, which the Lower House intimated was part of a scheme to reduce the people "to a state of slavery." Of course they knew that nothing of the kind was intended; but then as now, addresses to the people—and this address was meant for the people—would have but little effect if the writers restricted themselves to saying what they believed. To this demagogic address the Governor replied very temperately, showing that some action of the sort was absolutely necessary, under the circumstances, and was supported by precedent. If the two Houses would not agree, and if all business was not to be brought to a stand-still, there were but two alternatives: either for the Governor and Council to frame an entirely new tariff, which of course would be rejected, or to continue the old tariff under which the Province had been living for twenty-three years. The reasonableness of his position was so apparent, that in the heated discussions which followed scarcely any

hostility was displayed toward Eden personally, the rancor being concentrated on the members of the Upper House and the higher officials.

The contention was not now over the fees, but over the legality of the proclamation, and was carried on with great bitterness in the *Gazette*, Daniel Dulany and Charles Carroll distinguishing themselves on opposite sides of the question. No new bill was passed, and the Province continued under the old tariff until the Revolution.

The opinions of the English lawyers sustain Eden's action; and indeed it is hard to see how he could have acted otherwise.

PROCEEDINGS
OF THE
COUNCIL OF MARYLAND

FREDERICK CALVERT, LORD BALTIMORE,
Proprietary.

HORATIO SHARPE, ESQ.,
Governor.

1761-1769.



At a Council held at the City of Annapolis on Wednesday the fifteenth Day of April in the tenth Year of his Lordship's Dominion Annoq Domini 1761. Lib. J. R.
& U. S.
p. 300

Present

His Excellency Horatio Sharpe Esquire Governor.

Read the Report of the Justices of a special Court held at Joppa in Baltimore County on the fourth of April 1761: whereby it appears they had passed Sentence of Death on Charles Cullens for feloniously breaking and entering an Out-House, and thereont stealing a considerable Quantity of Paper Currency of Pensilvania and Pieces of Eight above the Value of twelve pounds sterling Ordered that the said Charles Cullins be hanged on Wednesday the 29th Instant.

At a Council held at the City of Annapolis on Tuesday the twenty sixth Day of May in the Eleventh Year of his Lordship's Dominion Annoq Domini 1761:

Present

His Excellency Horatio Sharpe Esquire Governor

The { Benjamin Tasker Esq^r } Stephen Bordley Esq^r
honourable { Daniel Dulany Esq^r } John Ridout Esq^r

Read the Report of the Justices of a special Court held for Saint Mary's County whereby it appears they had passed Sentence of Death upon Negro Peter Slave of John Booth for the Murder of — Booth Wife of the said John and a Child of him the said John, and of his Wife, and it appearing by the said Report that it was a barbarous and cruel Murder, ordered he be hanged in Chains on the main Road as near the Place where the Fact was committed as possible on Friday the eighth of June next.

At a Council held at the City of Annapolis on Wednesday the first Day of July in the Eleventh Year of his Lordship's Dominion Annoq Domini 1761: p. 301

Present

His Excellency Horatio Sharpe Esquire Governor

The honourable Benjamin Tasker Esq^r Stephen Bordley Esq^r and John Ridout Esq^r

4 *Proceedings of the Council of Maryland, 1761-1769.*

Lib. J. R. Ordered that the present General Assembly of this Province
& U. S. which stands prorogued to Monday the third Day of August
be further prorogued to Saturday the third of October next
and Proclamations issued accordingly.

At a Council held at the City of Annapolis on Friday the
tenth Day of July in the Eleventh Year of his Lordship's
Dominion Annoq Domini 1761:

Present

His Excellency Horatio Sharpe Esquire Governor

The honourable, Benjamin Tasker Esq^r Stephen Bordley
Esq^r and John Ridout Esq^r

It being observed that notwithstanding his Excellency by
a Message which he sent to the Lower House of Assembly
dated the 5th of May last desired that the following Address,
Messages, Report and Letters may be entered on their Journal
together with his said Message dated 5th of May in Order that
it might hereafter appear what Measures had been taken to
recover for the Public the Money due from M^r Darnall, late
Naval Officer of Patuxent, yet that the said Address &c. are
not entered: It is therefore ordered that M^r Green print and
publish them, and that he deliver a Copy thereof with every
Copy that he shall deliver of the Journal of the Proceedings
in the Lower House during the late Convention.

To his Excellency Horatio Sharpe Esquire Governor and
Commander in Chief in and over the Province of Maryland.

The humble Address of the Upper House of Assembly.

May it please your Excellency

p. 302 A report which hath been made to us by a Committee of
both Houses appointed this Session to inspect the Office and
Proceedings of the Commissioners for emitting Bills of Credit
having given us Room to apprehend that some of the Naval
Officers whose Business it was to collect the Duty of 15^d per
Hogshead pursuant to the Paper Currency Act, and to remit
the same to the Trustees in London for the Purchase of Bank-
Stock on Account of this Province have been negligent in the
Discharge of their Duty, and that in particular one of them
has failed to remit to the said Trustees sundry Sums of Money
he must have collected by Virtue of the above mentioned Acts
and that large Arrears are due from him to the Province, that
such Steps may be taken for procuring Satisfaction to the
Public as your Excellency may think the Nature of the Case

may require, we think it incumbent on us to represent the same Lib. J. R.
to your Excellency, and that you may see whence our Appre- & U. S.
hensions arise, we take the Liberty herewith to present to
your Excellency the Committee's Report.

Benja: Tasker, President.

Maryland ss:

At a Committee of both Houses of Assembly appointed to
inspect the Office and Proceedings of the Commissioners for
emitting Bills of Credit established by Act of Assembly.

were present

The honourable, Benedict Calvert Esquire of the Upper
House.

M ^r Walter Dulany	}	of the Lower House.
M ^r Brice T: B: Worthington		
M ^r John Hanson junior		
M ^r Josias Beall junior		
M ^r John Trueman Stoddert		
M ^r Thomas Ringgold		

Who make Choice of and appoint the Honourable Benedict
Calvert Esq^r Chairman and Robert Conden their Clerk and
agree to make the following Report.

Your Committee having carefully examined and inspected
the Accounts relative to the Fund in England established by
Act of Assembly for sinking the Bills of Credit of this Prov-
ince, do find that the Trustees in England have transmitted
their Account to the Commissioners of the Loan Office dated
London 15th March 1760: acknowledging £27500, Capital
Stock in the Bank of England in their Names belonging to
this province, which by the said Account cost £36245 sterling
Cash. Your Committee likewise further find by the same
Account a Ballance due of £484 11s 11p sterling in the Bank
not converted into Capital Stock. Your Committee also take
Leave to set forth a Paragraph of the said Trustees' Letter
dated, London March 15th 1760, accompanying the said Ac-
count in the following Words " All the Bills of Exchange that
are come to our Hands are paid, except two, remitted to us p. 303
from M^r Richard Lee, one for £226 14s od the other £150,
dated the 22^d of September 1759: by Daniel Campbell pay-
able at 90 Days Sight to the Order of Daniel of S^t Thomas
Jenifer, Value received of him in Tobacco on John Steuart
and Company; which two Bills do not become payable until
the sixteenth of next Month, and are indorsed by the said
Lee to William Hunt or Order for the use of the Province of

Lib. J. R. Maryland, We think it our Obligation to give you this In-
 & U. S. formation that you may judge whether or no it is consistent
 with your Law made for issuing and paying your Paper Cur-
 rency. If the Collectors send us such Bills for that Account,
 we know not how we can avoid them when they come into our
 Hands, and if it is to be remedied, it must be done by your
 Government only."

Your Committee also further find the following Bills, ap-
 pearing by the Naval Officers Accounts to have been remitted
 by them to the Trustees in London for which the said Trustees
 have given no Credit viz^t

By Philip Lee then Naval Officer of North Potowmack District	}	1739. John Boyd's Exchange	
		indorsed by Jn ^o Brown	£13..17..1
		John Domats ditto in-	
		dorsed by Robert Yeates	53..11..8
		1740 James Montier on Robert	
		Brown	25..14..0
		1741 Randolph Johnson on	
		John Buchanan	4..0..6
And by Thomas Lee his Executor in	}	Thomas Hungerford on	
		John Buchanan	7..0..0
		1744: And by said Executors'	
		Account then dated a Bal-	
		lance due to the Province	
		of	0..16..1¼
By the Deputy Naval Officer of Oxford	}	1744. Barker on Ash-	
		burner	40.. 8..0
		Foster on ditto	53..11..7
		Ackenleak on Catonack	37..12..4
		And in 1745: he charged a	
		Bill William Pemberton	
		on Richard Gildart	
		for	79..19..8
		And the Trustees give Credit	
		for said Bill only	78..19..8
		Difference to the prejudice	
		of the Province	1.. 0..0

But your Committee find that the Trustees have given
 Credit to the Province in 1747: for Samuel Chamber-
 laine's Bill on William Anderson for 140..6..4

Which said Bill we don't find charged in any of the Naval
 Officer's Accounts and therefore think it probable the above

Bills were protested, and the same Sum has been by him since Lib. J. R.
remitted for Reimbursement of the said Bills. & U. S.

Also by the Deputy	}	1750. Samuel Chamberlaine's	p. 304
Naval Officer of		Bills, but dont say on whom,	
Pocomoke		transmitted to the Trustees,	
		for which there is no Credit	
		by them for	31..7..6

But they credit the Province next Year his Bill on
William Anderson, not charged in his Naval Offi-
cer's Accounts for 27..0..0

Also the Naval Officer of Patuxent District in his Accounts
1755, charges the Province as follows:

To John Knight's Exchange on Johnson and	
Company	53.. 6..3
And Edward Barnes on Spencer for	34..12..5
	<u>£87..18..8</u>

Credit the Province by 15 ^d per Hogshead on 995 Hogs-	
heads of Tobacco	62.. 3.. 9
And charge the Ballance to next Account	25..14..11
	<u>£87..18.. 8</u>

Which Ballance of £25 14s 11d he transfers to the
Debet of his next Year's Account against the Province
but it does not appear that the above two Bills, amounting
to £87 18s 8d were ever credited by the Trustees; yet by
their Account of the next Year they credited the Prov-
ince by John Hanbury on said Naval Officer's Account
£62 3s 9d: from which we apprehend the said Bills were
not paid; and the said Naval Officer has ordered M^r
Hanbury to pay the nett Sum due only on the Tobacco,
by the preceding Account exported; by which the said
Ballance of £25 14s 11d carried to next Account again the
Province should have been again credited, and not being
so, is still due to the Province 25..14..11

And for Ballance of his Account 1756, he charges his
Order on William Perkins in Favour of Messieurs Hunt
and Hanbury remitted 319..18..4

And for Ballance of his Account 1757, his Exchange
on M^r William Perkins to be remitted to the Trustees by
the first Ship 286.. 1..3
£631..14..6

But your Committee don't find that the Trustees have
credited the Province with the said Sums of £319..18..4: and
286..1..3: by which your Committee is induced to believe that

Lib. J. R. the said Order and Bills were not paid, and that therefore
 & U. S. the Ballance due from the said Officer to the Year 1757: is
 £631..14..6; as appears by the above Account, And your Com-
 mittee take Leave farther to report to the honourable House,
 that they cannot find that the said Naval Officer has rendered
 any Accounts for the 15^d per Hogshead for the years 1758,
 1759, 1760, or that the Trustees have credited the Province
 with any Monies or Bills remitted by the said Officer for the
 said three last Years; which your Committee think a great
 Breach of Duty in that Officer, and a great Injury to the
 Province.

p. 305 Your Committee cannot find that the Naval Officer of
 Pocomoke District has rendered any Account for the 15^d per
 Hogshead for the Year 1755: but that the Naval Officer of
 the said District has rendered Accounts for the Years follow-
 ing (to wit.)

For the Year 1756 amounting to	£22.. 8.9
For the Year 1757	31.. 5.0
For the Year 1758	17..15.0
For the Year 1759	50..17.6
For the Year 1760	8.. 0.0
	<hr/>
	£130.. 6.3

Amounting in the Whole to one hundred and thirty Pounds
 six Shillings and three Pence as appears by the above Ac-
 counts, but we don't find any Payments made by the said
 Naval Officer in Discharge of that Sum, so that the same
 is still due from him, And your Committee think it their
 Duty to observe that the Naval Officer aforesaid did not
 render the above Accounts 'till the 21st Instant, which we
 humbly conceive is a Breach of Duty the Naval Officers being
 by Law directed to render Accounts yearly.

Your Committee also find by the said Trustees' Accounts,
 that they did not buy in or convert any of the Monies re-
 mitted by the Naval Officers, or received as Dividends from
 the Interest on the Capital in the Bank from September 1755,
 till September 1759, and February 1760, and until the Sum to
 be converted from the best Purchase amounted to £6000,
 sterling or upwards, and for their Justification they write to
 the Commissioners the 10th of March 1757 as follows "You
 may wonder at the Sum lying dead, that we have not invested
 it, or some Part thereof as we have from Time to Time here-
 tofore done but as the Times lately, and still are so precarious,
 we thought it better to defer it as we have done notwithstand-
 ing the Loss of the Interest: The Price of the Stock is at 119
 per Cent; and doubt will shortly be lower. We shall act to the
 best of our Judgment for the Country's Interest at all Times,"

and by their Letter dated London 13th March 1759: they say. Lib. J. R.
 "As the same Reason continues as was given in our last, & U. S.
 there has not been any Cash disposed of in the Purchase of any
 more Bank Stock, the Value of its Price still lowering, and
 no Reason can be assigned it should be better until a good
 Peace be attained: The Price at present is but 116 per Cent:"
 your Committee apprehend the Trustees keeping the Country's
 Money dead in the Bank so long a time without purchasing
 Capital Stock have not complied with the Directions of the
 Act of Assembly, to which we beg Leave to refer; tho' by their
 Account rendered it appears they purchased Capital Stock at
 a much lower Rate than they could have done before that Time
 (to wit) from 112..10..0, to 111 per Cent. yet we conceive that p. 306
 Saving is not equal to the Sum which would have arisen to the
 Credit of the Province by the Dividend and accruing Interest
 thereon, if the Monies had been yearly converted into Capital
 Stock, as appears by an Account here under stated,

1760. Dr Profit and Loss to the Province of Maryland by
 Delay of Purchase of Capital Bank Stock.

To Loss of the Dividend of £1000, Capital for 3½
 years from April 1756 to October 1759: which would
 have then cost at 122 per Cent £1220 there being then
 enough in the Trustee's Hands to have purchased so
 much Stock £157..10..0 £2200..0..0

To ditto of ditto on £2000 for 2½
 years from April 1757 to October
 1759 which would have cost £225.. 0..0 2380..0..0

119 per cent £2380 then ditto

To ditto of ditto on £2000 for 1½
 years from April 1758 to October
 1759 which would have cost 135.. 0..0 2540..0..0
 then at 117 per cent £2340

Gr.

By Stock bought September 1759,
 £2000, at £12..10, cost 2250..0..0

By ditto February 1760, £3000 at
 11 per cent 3300..0..0

Saved by Stock 360..0..0

Loss by Interest £556..5..0. Differ-
 ence to the 360.. 0..0

disadvantage of the Province besides
 accruing interest on the dividends
 had they been turned into capital 157..10..0

£517..10..0 £5940..0..0

Lib. J. R. And your Committee likewise find that the Naval Officers
 & U. S. for the Port of Oxford and Annapolis have rendered their
 Accounts to September 1760: amounting to 505..11..3 which
 we presume the Province will have Credit for by the Trustees
 in their next Account. The Account for Potowmack District
 for the year 1760: does not appear to have been yet rendered;
 And your Committee take Leave further to report that after
 the most diligent Search in the Assembly Office they cannot
 find the Naval Officer's original Account for Patuxent Dis-
 trict for the Year 1754, nor is it entered by the Clerk of the
 Lower House, but a blank Leaf is left in the Book wherein
 the other Accounts are entered and where that should have
 been entered; From the Loss of which Account they cannot
 say whether all the Bills due for Duties that year in that
 District were remitted or not, but they find the Trustees have
 credited the Province for Bills remitted that Year by the
 Naval Officer of that District to the Amount of £362..10..7
 sterling not charged in any other Accounts by said Officer, and
 which Sum is a Medium between the Sums that Duty raised
 in that District the preceeding and subsequent years; from
 which we are inclined to believe that Justice is done to the
 Province; but are of Opinion that it would be proper to pro-
 cure a Duplicate of that Account, to have it entered in the
 Record Book whereby it may appear whether there was a full
 Remittance or not; Your Committee further report that many
 p. 307 of the original Accounts of the Naval Officers are not to be
 found by us in the Assembly Office that are entered, and that
 none of the Naval Officers' Accounts that are entered or [have
 been] entered by the Clerk of the Lower House since the Year
 1757 tho' many of their Accounts appear to have been returned
 since that Time; and as there does in some Instances appear a
 Negligence in the said Clerk in not entering some Accounts
 which have been rendered by the said Naval Officers we cannot
 say whether the Naval Officers (whose Accounts do not
 appear) have been remiss in their Duty, or whether such
 Accounts be lost or mislaid by the said Clerk.

Your Committee take Leave further to report that we have
 received from your Committee of Accounts the following Ac-
 count as delivered in by Benjamin Young Esquire Naval
 Officer of the District of Pocomoke, with the Province of
 Maryland as under stated; whereby he has given the Province
 Credit for the Interest that has arisen due on the several Sums
 of Money above set forth as unpaid for that District from the
 Times they should have been paid and that the Commissioners
 of the Loan Office have certified under their Hands that the
 Bills of Exchange for the Sum of £147 1s 3¼d sterling as

mentioned in the said under stated Account are lodged in the Lib. J. R.
Loan Office to be by them remitted to the Trustees in London, & U. S
to the Credit of the said Province by the first Opportunity;
by which we apprehend the Province will be fully indemnified.

D^r The Province of Maryland in Account with Benjamin
Young Naval Officer of Pocomoke.

1761, April 23 ^d To Walter Dulany's Exchange on Mess ^{rs} Hanbury's lodged with the Com- missioners of the Loan Office, to be by them remitted to the Trustees in London	147.. 1.. 3¼
By Ballance of the Account of 1/3 per Hogs- head, on all Tobacco exported from Pocomo- ke between September 29, 1755, and Sep- tember 29 th 1756, as per Account	22.. 8.. 9
By Interest on ditto to April 23 ^d 1761: is 4 years and six Months at 5 per Cent	5.. 0.. 11½
By Ballance of Account from 1756 to 1757 as per Account	31.. 5.. 0
By Interest on ditto to April 23 ^d 1761, 3 Years and six Months	5.. 9.. 4½
By Ballance of Account from 1757 to 1758, as per Account	17.. 15.. 0
By Interest on ditto to April 23, 1761, 2 Years and six Months	2.. 4.. 4½
By Ballance of Account from 1758 to 1759, as per Account	50.. 17.. 6
By Interest on ditto to April 23, 1761, 1 Year and six Months	3.. 16.. 3¼
By Ballance of Account from 1759 to 1760, as per Account	8.. 0.. 0
By Interest on ditto to April 23 ^d 1761: six Months	0.. 4.. 0
	<hr/>
	£147.. 1.. 3¼

All which is humbly submitted to the Consideration of p. 308
both Houses of Assembly.

Benedict Calvert
Walter Dulany
Brice T. B. Worthington
John Hanson junior
Josias Beall junior
John Trueman Stoddert
Thomas Ringgold.

Sir

Being satisfied by a Report of the Committee for inspecting
the Paper Currency which the Upper House of Assembly pre-

Lib. J. R. sented to me Yesterday in the Afternoon, and by a Petition
& U. S. which hath been sent me by John Darnall and Charles Carroll Esquires, that M^r Henry Darnall the Naval Officer of Patuxent hath been guilty of a great Breach of Duty, and hath failed to remit to the Trustees in England, sundry Sums of Money which he ought to have remitted, amounting as I guess, to about sixteen hundred Pounds sterling, I desire you will forthwith take the necessary Steps in Order to compel M^r Henry Darnall and his Sureties to indemnify the Country; wherefore I send you the Committee's Report together with a Bond which M^r Darnall and his Sureties executed at the Time he was appointed Naval Officer, and the abovementioned Petition of John Darnall and Charles Carroll Esquires, from whom if such a Step is proper you will receive the Penalty of their Bond for the Use of the Province without putting them to the Expense and Trouble of a Suit. I am, Sir, your very humble Servant

To Stephen Bordley Esq^r
his Lordship's Attorney-General.

Hor^o Sharpe

Sir

Pursuant to your Excellency's Order, I received last Night of John Darnall and Charles Carroll Esquires the two following Sets of Bills of Exchange. Scilt:

Charles Carroll on John Buchanan to John Darnall indorsed in blank for	400..0..0
Charles Carroll on William Perkins to John Darnall indorsed in blank for	600..0..0
	<hr/> £1000..0..0

Amounting to one thousand Pounds sterling being the Penalty of Henry Darnall's, John Darnall's, and Charles Carroll's joint and several Bond of the 14th March 1755, to your Excellency conditioned for the said Henry Darnall's due Execution of the Naval Office of Patuxent District, and I wait your Excellency's Orders for disposing of the said Bills; and am Sir

Your Excellency's most obedient humble Serv^t

Annapolis 29th of April 1761:

Stephen Bordley

p. 309 Gentlemen of the Upper House of Assembly.

In Consequence of the Address you were pleased to present to me last Tuesday together with the Report of a Committee of both Houses I sent his Lordship's Attorney General a Bond for the Sum of £1000 sterling that was executed and delivered to me the 14th March 1755, by Henry Darnall, John Darnall,

and Charles Carroll Esquires, conditioned for the said Henry Darnall's due Execution of the Naval Office of Patuxent District requiring him at the same time to take proper Steps in Order to recover for the Use of the Publick, the Money which it is apprehended the said Henry Darnall has not accounted for and paid as he ought to have done: In Answer to my Letter the Attorney General now informs me, that he hath received from John Darnall and Charles Carroll Esquires Bills of Exchange for the Sum of £1000 sterling being the Penalty of the abovementioned Bond, and he desires my Order for the Disposal of the said Bills, I should Gentlemen be glad of your Advice on this Matter that I may give the Attorney General an Answer, and also to know what farther Steps you think ought to be taken in Order to recover the Mony which M^r Darnall may still owe on Account of Duties received by him as Naval Officer of Patuxent, for the Use of the Country.

the 30th of April 1761.

Hor^o Sharpe.

To his Excellency Horatio Sharpe Esquire Governor and Commander in Chief in and over the Province of Maryland.
The humble Address of the Upper House of Assembly.

May it please your Excellency

We are much obliged to your Excellency for the Measure you have been pleased to take in Consequence of our Address relative to the Naval Officer of Patuxent. We think that the Bills received of John Darnall and Charles Carroll Esquires may be properly delivered to the Commissioners of the Loan Office with Instructions for their Remittance of them to the Trustees in London.

As the Penalty of the Bond given by the Naval Officer has been paid by his Sureties we presume that no further Demand can be made of them; and as to the Naval Officer himself the most proper Method which occurs to us to proceed in against him, in Order to obtain Justice to the Public in respect of the Money which he may still owe, is by Bill in Equity in the Name of the Lord Proprietary, and also for a ne exeat Provincia and an Injunction to stop any Money which may be due and owing to him in the Hands of any other.

Benja: Tasker, President

Gentlemen

His Lordship's Attorney General having informed me that John Darnall and Charles Carroll Esquires, have paid him Bills of Exchange for the Sum of one thousand Pounds sterling being the Penalty of a joint and several Bond executed and delivered to me the 14th of March 1755, by Henry Darnall,

Lib. J. R. and the said John Darnall and Charles Carroll Esquires, con-
& U. S. ditioned for the said Henry Darnall's due Execution of the
Naval Office of Patuxent District, I have empowered the At-
torney General to pay and deliver the said Bills of Exchange
to you; wherefore I desire you will receive and remit the same
to the Trustees in London, appointed in Consequence of the
Paper Currency Act made here in 1732, and that you will at
the same time write to the Trustees and desire them to give
this Province Credit for the said Bills as received on Account
of the Duty of 15^d per Hogshead, collected by Henry Darnall
Esq^r late Naval Officer of Patuxent District.

I am Gentlemen your very humble Servant
Hor^o Sharpe

To { Charles Hammond } Esq^{rs} Commissioners of the Loan
George Steuart } Office.
John Bullen }

Sir

You will deliver to the Commissioners of the Loan Office
those Bills of Exchange for the Sum of £1000 sterling, which
in your Letter to me dated the 29th of last Month you say have
been paid to you by John Darnall and Charles Carroll Esquires
as the Penalty of the Bond which was executed to me the 14th
March 1755 by those two Gentlemen jointly with Henry Dar-
nall Esq^r I have wrote to the Commissioners of the Loan
Office, desiring them to receive the said Bills from you and to
remit the same to the Trustees in London for purchasing
Bank Stock on Account of this Province. Hoping that you will
by such Means be able to recover all the Money that is due
from M^r Darnall to the Country, I desire you will proceed
agreeable to the Opinion of the Upper House communicated
to me in the Address which I herewith send you.

I am, Sir, your most obedient humble Servant
To Stephen Bordley Esq^r his Hor^o Sharpe
Lordship's Attorney General.

Sir

I have commenced the Proceedings advised by the Upper
House to your Excellency in the Case of M^r Darnall, and shall
take Care to pay the Bills received on M^r Darnall's Naval
Office Bond to the Commissioners of the Loan Office pursuant
to your Excellency's Order for that Purpose the next Office
Day. I am Sir, your Excellency's most obedient
Annapolis 4th May 1761:

humble Servant
Stephen Bordley
Copy
J Ross Cl: Conc.

At a Council held at the City of Annapolis on the 19th Day of July in the Eleventh Year of his Lordship's Dominion Annoq Domini 1761. Lib. J. R.
& U. S.
p. 311

Present

His Excellency Horatio Sharpe Esquire Governor

The honourable Benjamin Tasker Esq^r Stephen Bordley Esq^r John Ridout Esq^r

Read the Conviction of Mulatto Roger for a Burglary and Felony by him committed in breaking open the Store-House of M^r James Weemes of Calvert County and stealing therefrom sundry Goods and Chattels the Property of him the said James Weemes, and it not appearing by the Report of the Justices of the same County that the said Mulatto Roger was an Object of Mercy, Ordered Dead Warrant for his Execution on Friday the 31st Instant which issued accordingly.

At a Council held at the City of Annapolis on Sunday the 15th Day of August in the Eleventh Year of his Lordship's Dominion Annoq Domini 1761:

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable, Benedict Calvert Esq^r Stephen Bordley Esq^r and John Ridout Esq^r

Read the Report of the Justices of a special Court held for Kent County on 4th of June 1761, whereby it appears they had passed Sentence of Death upon Sarah Reardon for Murder and a Letter from the Justices of the same Court, likewise from the Sheriff of the same County and several Papers relating to the said Sarah Reardon, and representing her as an Object of Mercy: Ordered that Pardon issue for the said Sarah which issued accordingly.

At a Council held at the City of Annapolis on Thursday the 25th of September in the eleventh Year of his Lordship's Dominion Annoq Domini 1761.

Present

His Excellency Horatio Sharpe Esquire Governor

The honourable	{	Benjamin Tasker Esq ^r	}	Col ^o Rob ^t Jenkins Henry
		Philip Thomas Esq.		Stephen Bordley Esq ^r
				John Ridout Esq ^r

Lib. J. R. Ordered that the present General Assembly of this Province
& U. S. be dissolved, and Writs of Election issue dated 26th of Sep-
p. 312 tember returnable to the third Tuesday in November next
being the 17th day of the same Month, and Proclamations
issued accordingly.

Read the Report of the Convictions of Negroes Samuel, Abigail, and Rachel of Calvert County for attempting to poyson M^{rs} Smith, and a Letter of William Hickman of Calvert County with a Letter of M^r James Weemes of the same County. Ordered that Dead Warrant issue for the Executions of Negroes Samuel and Rachel, on Wednesday the seventh of October next

His Excellency is pleased to lay before this Board the following Letter.

I observe you are made to believe by M^r Calvert that you had obtained a great Indulgence in the Instructions regarding our Vessels which in Fact was no more than what was before agreed to between the Officers and ourselves which however must be acknowledged a Favour but how trifling when it is known we can be guilty of no Fraud or intend any, what I insist & must say I think with much Propriety, may, is that from my Property in Maryland, I should be intituled to all the Privileges and Immunities of free Bottoms, or further to the same Indulgence in Maryland to Iron Vessels as they meet with in Virginia where the Advantage of that Commodity to our Mother Country and the Privileges there granted to Plantation made Iron being duly considered the Marylanders are allowed to send Vessels loaded with Bar or Pig Iron to Virginia either for Sale or Exportation paying only for a Permit 2/6 which enables them to excel us at Market because for a Load of unmanufactured Stuff we are obliged to pay more than its Tonnage and Fees (tho' brought from my own Estate there) this I say is unneighbourly, if no more, all I ask is to be upon an equal Footing in Maryland with the Maryland Iron Masters in this Colony, is that unreasonable, unjust, or unequitable, if not, let Lord Baltimore direct that I may be allowed to transport Iron Ore from Maryland to work my Furnaces in Virginia for paying for a Permit only as their Vessels come into our Country and I am satisfied, I desire and ask for no more, and is not a great Hardship that I who am a good Subject of Maryland cannot be allowed the full Advantage of my Estate thereby, bringing its' Produce to benefit my Estate here when only a River makes the Distinction of two Countries and no Body can suffer

by it further than the small Reduction made in a few Fees Lib. J. R.
& U. S.
divided among so many as not to be felt, or missed by Lord
Proprietor or Officer when as an Individual I can thereby be
enabled to answer the Intention of Parliament more fully by
furnishing a larger Quantity of Plantation made Pig Iron p. 313
to the British Markets at best done under many heavy Diffi-
culties and Expences unknown to my Brother Iron Masters of
Maryland; If Equity did not plainly appear in the Face of my
Argument I would drop it, and acquiesce under every Hard-
ship, from which to be relieved agreeable only to Justice
would be doing a very great Service to

Gentlemen

your obedient humble Servant

John Taylor

At a Council held at the City of Annapolis on Wednesday
the 14th of October in the eleventh Year of his Lordship's Do-
minion Annoq Domini 1761.

Present

His Excellency Horatio Sharpe Esquire Governor

The honourable	{	Colonel Charles Ham-	}	Stephen Bordley Esq ^r
		mond		John Ridout Esq ^r
		Richard Lee Esquire		

Ordered Pardon be made out for Negro Abigail of Calvert
County for attempting to poyson M^{rs} Smith, which issued
accordingly.

Read the Report of the Conviction of Negro Tony of
Prince Georges' County Slave of a certain Thomas Sands-
bury of the County aforesaid Carpenter for feloniously break-
ing and entering the Store House of James Russell of the City p. 314
of London Merchant, and stealing thereout sundry Goods and
Chattels of the said James Russell, and the Justices Report
thereon which being considered, Ordered Dead Warrant for
the Execution of said Negro Toney on Friday the twenty
third Instant, which issued accordingly.

Ordered Proclamations issue dated the fifth of November
next for prorogueing the present General Assembly of this
Province appointed to be held the 17th of the same Month to
the third Monday in April next being the 19th Day of the same
Month.

Lib. J. R. At a Council held at the City of Annapolis on Tuesday the
& U. S. eighth of December in the eleventh Year of his Lordship's
Dominion Annoque Domini 1761.

Present

His Excellency Horatio Sharpe Esquire Governor

The honourable Col^o Edward Lloyd, Stephen Bordley Esq^r
and John Ridout Esq^r

Read the Conviction of Negro Ben, Slave of Elizabeth Oldham of Talbot County for a Felony and Burglary by him committed in breaking open the Store House of Col^o Edward Lloyd and Henry Holyday and stealing therefrom one stock, and Stock-Buckle, and the Justices Report thereon, which being read and considered, and it appearing thereby that the said Negro Ben is an Object of Mercy; Ordered that a Pardon be made out for the said Negro Ben which issued accordingly.

At a Council held at the City of Annapolis on Monday the twenty first of December in the eleventh Year of his Lordship's Dominion Annoq Domini 1761.

Present

His Excellency Horatio Sharpe Esquire Governor

The honourable Benjamin Tasker Esq^r Stephen Bordley Esq^r and John Ridout Esq^r

Read the following Instructions from his Majesty.
George R.

Instruction to our trusty and well beloved Horatio Sharpe Esquire Deputy Governor of our Province of Maryland in America Given at our Court at S^t James's the 29th Day of September 1761, in the first year of our Reign.

p. 315 Whereas We have been pleased by our Order of the 11th Day of September Instant to declare our Pleasure that in the Morning and Evening prayers, in the Litany and in all other Parts of the publick Service as well in the occasional Offices as in the Book of Common Prayer where the Royal Family is appointed to be particularly prayed for, the following Form of Words should be used (viz^t) our gracious Queen Charlotte, Her Royal Highness the Princess Dowager of Wales and all the Royal Family, our Will and Pleasure therefore is, that in all the Prayers, Litanies, and Collects where the Royal Family is prayed for, and which are used within our Province of Maryland under your Government the same Form and Order

of Words be used as follows (viz^t) our gracious Queen Charlotte, Her Royal Highness the Princess Dowager of Wales and all the Royal Family, and for the better Notice hereof in our said Province it is our further Will and Pleasure that you cause the same to be forthwith published in the several Parish Churches and other Places of divine Worship within our said Province, and that you take Care that due Obedience be paid thereto accordingly.

Lib. J. R.
& U. S.

G: R:

Ordered that the following Proclamation be made out for altering the Form of Prayer for the Royal Family pursuant to the foregoing Instruction of his Majesty

By his Excellency Horatio Sharpe Esquire Lieut. Governor and Commander in Chief in and over the Province of Maryland.

Whereas I have received an Instruction from his most sacred Majesty dated the twenty ninth Day of September last signifying it to be his Royal Pleasure that in the Morning and Evening Prayers in the Litany and in all other Parts of the Public Service as well in the occasional Offices as in the Book of Common Prayer where the Royal Family is appointed to be particularly prayed for the following Form of Words be used (viz^t) "Our gracious Queen Charlotte, Her Royal Highness the Princess Dowager of Wales, and all the Royal Family," and am by the said Instruction required to have such his Majesty's Will and Pleasure forthwith published in the several Parish Churches and other Places of divine Worship within this Province that Obedience may be paid thereto accordingly: I do therefore by and with the Advice of his Lordship's honourable Council publish this my Proclamation notifying the same to all Rectors of Parishes, other Ministers of the Gospel, and to all other his Majesty's good Subjects within this Province that in the several Parish Churches and other places of divine Worship in all the Prayers Litanies and Collects where the Royal Family is prayed for the following Form of Words is to be used (viz^t) "Our gracious Queen Charlotte her royal Highness the Princess Dowager of Wales, and all the Royal Family" And I do strictly charge and command the several Sheriffs of this Province to make this Proclamation publick in the several Parishes within their said Counties in the usual Manner as they will answer the Contrary at their Peril. Given at Annapolis this 21st Day of December in the eleventh Year of his Lordship's the Lord Proprietary's Dominion the second year of his most gracious Majesty's Reign, Annoq Domini 1761. p. 316

Lib. J. R. Queries relating to His Majesty's Colonies and Plantations
& U. S. in America.

1st What is the Situation of the Province under your Government, the Nature of the Country Soil and Climate? What are the Principal Rivers and Harbours? the Latitudes and Longitudes of the most considerable Places in it, Have those Latitudes and Longitudes been settled by good Observations, or only by common Computations and from whence are the Longitudes computed?

2^d What are the Boundaries, Have those Boundaries been settled and ascertained and by what Authority? If any Ports thereof are disputed by whom? When did the dispute arise and what Stops have been taken, or in your Opinion ought to be taken to fix the true Boundary Lines?

3^d What is the present State of the Trade of the Province the Number of Shipping belonging thereto, their Tonnage and the Number of Seafaring men with respective Increase or Diminution within ten years last past, and to what Causes is that Increase or Diminution to be ascribed?

4th Are any Trades, Works or Manufactures set up or about to be set up in the Province under your Government which are or may prove hurtfull to Great Britain? If there are any such how may they be suppressed, divided or restrained?

5th What Quantity and Sorts of British Manufactures do the Inhabitants annually take from hence?

p. 317 6th What Trade has the Province under our Government with any Foreign Plantations or any part of Europe, besides Great Britain? How is that Trade carried on, and what Commodities are sent to or received from such Foreign Countries or Plantations?

7th What Methods are there used to prevent illegal Trade and are the same effectual, if not what Method may be proper in your Opinion to be taken for Obtaining so desirable an Object?

8th What is the natural Produce of the Country Staple Commodities and Manufactures, What Value thereof in Sterling Money may you Annually export, and to what places? What Regulations have been at any time made for preventing Frauds and abuses in the Exportation of the produce or Manufacture of the Province, and at what time did those Regulations take place?

9th What Mines are there, Have those Mines been opened & worked and what may be the reputed Produce?

10th What is the Number of Inhabitants Whites and Blacks?

11th Are the Inhabitants increased or decreased within the last ten years; how much and for what Reasons? Lib. J. R. & U. S.

12th What is the Number of the Militia under what Authority & Regulation is it established; what is the Expence of it & how is that Expence defrayed?

13th What Forts and places of Defence are there within your Government in in what Condition, and what Garrisons are kept therein; What is the annual Expence of maintaining each Fort, and out of what Fund is it paid?

14th What is the Number of Indians Inhabiting those parts of America lying within or bordering upon your Province, What Contracts or Treaty of Peace and Friendship have been made with them and are now in force? What Trade is carried on with them and under what Regulations, and how have those Regulations been established?

15th What is the Strength of your Neighbouring Europeans French or Spaniards and what effect have those Settlements upon His Majesty's Colonies and more particularly upon that under your Government?

16th What is the Revenue arising within your Government; p. 318 when was it established and by what Laws or other Authority? To what service is it appropriated. How applied and disposed of, and in what manner are the Accounts Audited and passed?

17th What are the Establishments Civil and Military within your Government, By what Authority do the Several Officers hold their places, What are the Names of the Present Officers, when were they appointed and what is the reputed annual Value of those Officers; What Salaries and Fees have they, by what Authority are their Salaries and Fees paid and under what Regulations?

18th What is the Constitution of the Government in General, & particularly what Courts are there established, for the due Administration of Justice; when were those Courts established, and under what Authority; What are their Rules of Proceeding, and how are the Judges and other subordinate Officers appointed?

Answers to the Queries that were sent by the Right Honourable the Lords of Trade and Plantations to the Lieutenant Governor of Maryland.

1st Maryland is situated on both sides of Chesapeak Bay between the Province of Pennsylvania and Dominion of Virginia, that Part of it that lies to the Eastward of the Bay is a flat level Country, the Western Part is more hilly, and about One hundred Miles inland from the Bay grows pretty Mountainous, the whole Country is well watered, the Soil varies as

Lib. J. R. it does in England, in general is fertile; the Summers here
& U. S. from May till the Beginning of September are generally very hot, so that the Mercury in Farenheits Thermometers will frequently especially in the Months of July and August, rise to Ninety two Degrees, during that Season there are frequent Gusts or Violent Thunder Showers which commonly come from the North West and cool the Air, from the Middle of September till the middle of December we have generally fair moderate weather; between that time and March often severe Frosts, so as to freeze the largest of our Rivers, but it is very seldom that such intense Frosts continue more than a fortnight or three weeks, The longest Day in this Climate is about fourteen hours and fifty Minutes, the Shortest Nine hours and nine minutes, There are more than Twenty Rivers in the Province navigable for large Ships, in most of which Rivers several vessels are loaded every year but there are not any Particular Ports or Harbours, nor any considerable Towns or Places of Trade: Annapolis the Metropolis (which contains about Two hundred Houses) by the latest Observations Taken was found to lye in the Latitude of Thirty Eight Degrees forty Minutes, and by Computation is about Seventy Six Degrees thirty Minutes West Longitude from London.

p. 319 2^d In the Charter granted to Cecilius Lord Baltimore by King Charles the first Maryland is thus described, All that part of a Peninsula between the Ocean on the East and the Bay of Chesapeak on the West, and divided from the other part Thereof by a Right line drawn from the Promontory or Cape of Land called Watkins Point situate in the aforesaid Bay near the River Wighco on the West unto the Main Ocean on the East and between that Bound on the South unto that of Delaware Bay or River on the North which lieth under the Fortieth Degree of Northerly Latitude from the Equinoctial where New England ends, and all that Tract of Land between the Bounds aforesaid: that is to say passing from the aforesaid Bay or River called Delaware in a Right Line by the Degree aforesaid unto the true Meridian of the first Fountain of the River Potomack and from thence tending towards the South unto the further Bank of the aforesaid River and following the West and South side thereof unto a certain place called Chinquack situate near the Mouth of the said River where it falls into the Bay of Chesapeak and from thence by a straight Line unto the aforesaid Promontory or place called Watkins Point. The Bounds of Pensylvania as discribed in the Charter granted to William Penn Esquire by his Majesty King Charles the second in Sixteen hundred Eighty two being such as interfere with or incroach on Mary-

land, Disputes soon afterwards arose between the respective Proprietarys and their Tenants, which tho quieted from time to time by his Majesties Orders in Council, have not as yet been finally settled, by reason that the Boundary lines between the two Provinces were never ascertained or actually run, but the Present Lord Baltimore Proprietary of Maryland and Mess^{rs} Penn the Present Proprietors of Pensylvania in order to put an end to all Disputes about the Extent of their Territories and Jurisdictions have at length entered into Articles bearing Date the fourth of July One Thousand Seven hundred and Sixty, by which it is agreed between them that from the West Extremity of a line already run West Thirty four Miles three Hundred and nine Perches from a Place called Fenwicks Island (lying on the sea side in the Latitude of about 38° 36' and about Thirty Miles Southward of the Mouth of Delaware Bay) a Straight line shall be run Northward up the Peninsula (lying between Delaware and Chesapeak Bays) so as to be a Tangent to a Circle of Twelve Miles Radius round the Town of Newcastle on Delaware, It hath been found by Calculation that the Course of this Line will be 3..32..5 Westward of due North and that it will be 81 miles, 76 chains and 73 Links in Length; it is also agreed that after this Line shall be run a due North line shall be run from the Northern Extremity of it or Point of Contact to a Place or Point that shall be found to lye Just fifteen Statute Miles south of Philadelphia, and that from such Point or Place a due East and West Line shall be extended so far Westward as the Meridian of the fountain head of the River Potomack, which several abovementioned Lines will I suppose be actually run in about two Years.

Lib. J. R.
& U. S.

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3. The Chief Branch of the Trade of this Province is the Importation of Goods from Great Britain, and the annual Exportation of about 28000 Hheads of Tobacco Thither, in Vessels annually sent hither from thence, to the Number (I take the year 1760) of about 120, of the Burthen of about 18000 Tons, and navigated by 1900 Men: the Vessels owned by the Inhabitants of the Province are about 30 Most of them Sloops and Schooners navigated with about 200 men, and of thirteen hundred Tons Burthen, they are generally employed in the West India Trade, and in Carrying Corn Bread and Wheat to the Northern Colonies the Number of these Vessels hath much decreased within ten years Past, but as that hath been owing to the Enemies having captured many of our Vessels trading to the Sugar Islands, they will I doubt not increase in Number after the Conclusion of a Peace.

4. There are no Trades, Works, nor Manufactures, which would Prove hurtfull to Great Britain already set up, or about to be set up in this Province,

Lib. J. R. 5. The Inhabitants take annually from Great Britain all
& U. S. sorts of fine and Coarse Woolens and Linens, Great Quantities of wrought Leather, wrought Iron, and almost all kinds of British Manufactures, and East India Goods, the Particular Quantities of Each cannot be ascertained by reason the same is Consigned or Shipt to a great variety of Persons but it is supposed that the goods which have been Sent hither annually from Britain for these six years Past Cost us more then £160,000

6. The Inhabitants of this Province trade very little to any foreign Plantations, a few small Vessels may be sent in a year to get Salt in some of the Portugeze Islands, and One or two perhaps to the Island of Madeira for Wine. Neither do the Inhabitants send any Vessels to other Places in Europe besides Great Britain, except two or three Loaded with Flaxseed & Lumber to Ireland.

7. To prevent illegal Trades the Commissioners of his Majesty's Customs in London appoint Collectors and Surveyors of the Customs to reside on the Principal Rivers, besides there are Naval Officers appointed by the Governor in the Several Districts into which the Province is divided and considering the Number of Rivers and Creeks that are navigable this Method is as effectual to Prevent illicit Trade as can well be,

p. 321 8. The Inhabitants may perhaps *communibus Annis* for Years past have got for the Tobacco (Our Staple) which hath been annually exported to Great Britain about £140,000, while the Merchants get as much more for Conveying it to great Britain and selling it, the only Commodities exported hence besides Tobacco, are wheat, and Indian Corn, Bread, Flour, Pigg and Bar Iron, Skins, Furs, Lumber and Some Flaxseed, which Articles may altogether be valued at about £80,000,

In the year 1747 An Act of Assembly was made here to Compell all the Owners or Makers of Tobacco to send it to certain Inspection Houses whence it cannot be again removed Till it is put on board a Ship for Exportation. As to any other Commodities the Exporters are not under a Necessity of having them Inspected, but the Acts of Parliament made for preventing the Exportation of Wheat and Flour to Foreign Parts and all illegal Trade are duly obeyed & inforced.

9. There are a great many Iron Mines, and several of them very good. In this Province are Eight Furnaces for making Pig, and Ten Forges for making Bar Iron, the Quantity of Pig made *communibus Annis* may be about 2500 Tons and the Quantity of Bar about 600 Tons. There are great Shews of Copper in many places, but thô several Attempts have been

made to discover Veins of that Ore no mines have been yet
wrought that Quided Cost, Lib. J. R.
& U. S.

10. The Number of White Inhabitants is about 114,332 and the Number of Blacks about 49,675. In the year 1748, the Whites were about 94,000, and Blacks 36,000. In the year 1755 the Whites amounted to 107,963 & the Blacks to 46,225. Since that time very few have been imported from Europe, but about 2000 Men have enlisted into his Majesty's Forces. v. 11

12. The Number of our Militia is about 18,000, but as many of them are quite unprovided or very ill supplied with Arms, and for want of a Proper Militia Law not under good Regulation or Command (and a good militia Law our Assembly will not make) The Militia of this Province is far from being formidable.

13. There are two Forts in the Western part of this Province on Potomack River, one Called Fort Frederick and the other Fort Cumberland, the former is far the Strongest, it's exterior Lines being 120 yards, the Curtain and Bastions are faced with a thick stone wall, and it Contains Barracks for 300 men, but is not at this time garrisoned, the other Called Fort Cumberland is 75 miles Farther Westward, this is Built with double Logs and Earth, I believe there are at Present a few Soldiers there sent from the Garrison at Pittsburg, p. 322

14. There are about 120 Indians in the Populous parts of the Province who reside on Several Tracts of Land that were many years ago allotted them, and Appropriated to their Sole and Proper use by Acts of Assembly which are still in force, these Indians Live in good Neighbourhood with the Inhabitants and are very orderly, paying due obedience to the Laws of the Province, the Inhabitants carry on no Trade with any other Indians nor are there any other near Us,

15. Since the Reduction of Fort Du Quesne by his Majesties Forces under the Command of Brig. Forbes there have been no French in the Neighbourhood of this province; the Distance of Louisiana and the Spanish Settlements in America is so great that while his Majesty's Forces keep Possession of those Parts of North America which have in the Course of this War been reduced to his Majesty's obedience the Inhabitants of this Province surrounded as it is by the Neighbouring Colonies cannot be affected by either the French or Spanish Colonies,

16. The Revenue within this Government arises and is appropriated be Several acts of Assembly viz^t ever since 1661 a port duty of fourteen pence p Ton on all Ships & Vessels trading into this Province and not owned by Residents has

Lib. J. R. been due to and received by the Lord Baltimore Lord Proprietary of Maryland, since the year 1694 three pence p Ton
& U. S. on all Trading Vessels except such as belonged to Residents has by Virtue of an Act of Assembly then made been Collected for the Use of the Governor or Lieutenant Governor for the time being. In 1704 a Perpetual Law was made to raise for the support of Government Twelve pence p Hhd on all Tobacco exported, In the same year another Perpetual Law was made for laying a Duty of Twelve pence Current money on every 100lb of dried Beef and Bacon, and Twelve pence on every Barrel of Pork & Beef undried, exported by any Persons not Inhabitants, the money raised by Virtue of this Act is Applied to the Maintaining a Free School, By Virtue of an Act made in 1715, Twenty Shillings Sterling p Poll is imposed on every Negro and Irish Papist imported into this Province, the money Appropriated to the Use of the Several Counties. In 1717 An Additional Duty of Twenty Shillings p Poll on Irish Servants being Papists, and an Additional Duty of
p. 323 Twenty Shillings Currency p Poll on negroes imported was laid to raise a Fund for the support of Publick Schools within this Province, The Act imposing these Duties continues in force. In 1723 A duty of Twelve pence a Barrell and six pence p 100lb of Pork. Twelve pence on each Barrell of Pitch and six pence on every Barrell of Tar imported by any other than Inhabitants of this Province was laid and has been ever since collected for the Use of the Free Schools, In 1732 an act was passed whereby a Duty of fifteen pence Sterling was laid on every Hogshead of Tobacco which should be exported during the space of Thirty One years next ensuing the 29th Day of September in the year aforesaid for supporting the Credit of and Sinking £90,000, emitted and then made Current in Bills of Credit.

In 1756 the Sum of £40,000, Currency was granted by an Act of Assembly for his Majesty's Service, which Sum was expended in raising and Supporting a Body of Troops during that and the Subsequent year, in order that the Bills of Credit then emitted may be sunk by June in the year 1763, there was a Duty imposed on all Spirituous Liquors consumed in the Province, a Tax upon Batchelors, on Billiard Tables, and on all Horses imported, a Land Tax, a Stamp duty also an Additional Duty on Negroes, Pitch, Tar and Turpentine imported, All publick Accounts are audited and past by a Committee of both Houses of Assembly

17. The Establishments as well Civil as Military within this Government depend on the Powers granted by the Royal Charter to the Lord Baltimore under whom all the Officers (ex-

cept the Collectors and Surveyors of his Majesty's Customs) Lib. J. R.
hold their Places, their Fees are Regulated by Acts of As- & U. S.
sembly, and for the most Part payable in Tobacco. Besides the
Lieutenant Governor there is a Deputy Secretary (the Secretary
residing in England), who keeps the Records of the Chancery
and Supreme or Provincial Court, A Commissary General to whom
the Probat of Wills Belongs, An Attorney General. Two Treasurers,
Two Judges of the Land Office (whence Warrants and Patents for
Land issue) Three Commissioners of the Paper Currency Office, five
Naval Officers, Two Surveyors General, An Examiner General whose
Business it is to examine all Certificates returned by the Land
Surveyors, a Clerk or keeper of the Records in each County 14. in
Number; and the same Number of Sheriffs, deputy Surveyors p. 324
and deputy Commissaries, a Clerk of the Provincial Court
(who is a Ministerial Officer under the deputy Secretary) A
Register in the Prerogative or Commissary's Office, another
in the Land office; and a Clerk in the Paper Currency Office, as
the Value of all these Offices (except the Naval Offices) depends
on the Price of Tobacco they are some years much more lucrative
than in others; but Communibus Annis they may I suppose be thus
Rated:

The Governor including all Perquisites and fees as Chancellor
£1200, The deputy Secretary £300, The Commissary General
£250, the Attorney General £50, two Treasurers together £80,
Two Judges of the Land Office £300. Each Commission of the
Paper Currency office £50, five Naval Officers from £50 to £150
each. Two Surveyors General £130. The County Clerkships from
£80 to £200 each, The Sheriffs Offices about the same Value as
the Clerkships, but the Sheriffs Office cannot be held by any
Person more than three years, Several of the deputy Surveyors
offices are of very little value, some of them not £10 a year but
three or four of them who live in Counties where there still
remains a good Deal of Vacant Land may get from £50 to £150 p
Ann. the Deputy Commissaries offices may be estimated from
£10 to £20 each & the Clerks of the upper & Lower Houses of
Assembly, the Provincial Court, Prerogative or Commissaries
Office, Land Office, and Paper Currency office, get I believe
from £50 to £130 Each.

18. The Legislature consists of Three Branches, viz^t The
Governor an upper house of Assembly (of which there are twelve
Members Nominated by the Lord Proprietary who commonly
continue for life) & a Lower House composed of 58 Members
chosen by the People to represent them, four for each County
& Two for the City of Annapolis. The Courts are

Lib. J. R. the high Court of Appeals & errors consisting of the Governor
 & U. S. & Council, the Court of Chancery, the Court of Vice Admiralty (which scarcely ever sits) the Supreme Court of Law called the Provincial Court which is held twice every year at Annapolis, the Judges thereof being seven in Number are empowered by Commission under the great Seal to hear & determine concerning Pleas whether real Personal or mixed & all manner of Crimes Capital or not Capital; In Civil Actions where the matter in dispute exceeds the value of £50 Sterling Appeals are allowed to the Governor & Council. There are four County Courts or inferior Courts of common Pleas held every year in each County by the Justices of Peace. No Original Action exceeding the Value of £100 Sterling can be brought in these Courts but must be commenced in the Provincial Court as must all real and mixt Actions. The
 p. 325 Justices at these Courts can try and determine all Criminal Matters not affecting Life or member, and even Capital offences when Committed by Negroes. Both the Provincial or Supreme and the County Courts have been held almost ever since the Province was settled by Virtue of Acts of Assembly, the Rules of Proceeding in these Courts are conformable to the Rules observed in the Courts at Westminster, the Judges and Justices are appointed by Commission from the Lord Proprietary under the Great Seal.

The following Addresses being drawn were read approved of and ordered to be Entered.

To The King's most Excellent Majesty

The humble Address of the Lieutenant Governor and Council of the Province of Maryland.

Permit most Gracious Sovereign Your dutiful and faithful Servants the Lieutenant Governor and Council of the Province of Maryland with all humility to offer Your Majesty our most sincere and hearty Congratulations on that important Event, the Celebration of your auspicious Nuptials.

Impressed with the most grateful Sense of your Majesty's tender Care and Concern for the Interest Welfare and security of all your People, our Hearts are filled with Joy on your Conjugal Union with a Princess eminently endowed with every Royal Virtue and amiable qualification that can render your Majesty's Domestick Felicity compleat.

May the Divine Providence long preserve your Majesty and your Royal Consort in the full Enjoyment of mutual Happiness, and Bless you with an Offspring inheriting the Virtues of their illustrious Parents, Virtues which add Splendour and Dignity to the Crowns they wear.

May your Majesty long continue Great and Glorious, may your People flourishing and happy continue truly sensible of the inestimable Blessings they enjoy under your wise Administration; and long may you feel the inexpressible pleasure to a benevolent Heart resulting from a Consciousness that your Majesty is under Heaven the Fountain whence these Blessings flow.

Lib. J. R.
& U. S.

Horatio Sharpe Lieut. Governor
Benj^a Tasker Pres. of the Council

To The Queen's most Excellent Majesty.

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The humble Address of the Lieutenant Governor & Council of the Province of Maryland.

Most Gracious Queen

We your Majesty's dutiful and loyal Subjects The Lieutenant Governor and Council of the Province of Maryland humbly beg leave to present our Congratulations on the joyful Occasion of your Auspicious Nuptials with our worthily beloved King; whose choice of a Princess distinguished by every delicate Virtue and amiable Accomplishment that can inspire His Royal Heart with Sentiments of Tenderness and Affection, Add new Lustre to the Crown you wear and render you dear to all your dutiful Subjects is an illustrious Proof of His Majesty's Wisdom,

May the Almighty who in Reward of your Conspicuous Merit has placed your Majesty on the British Throne be your Constant Guardian and Protector, continue your Majesty the Delight of your Royal Consort and make you the happy Mother of a numerous Progeny resembling their Royal and illustrious Parents, that our Posterity may rejoice at the happy Event of your Majesty's Union with our Great and Glorious King.

Horatio Sharpe Lieut. Governor
Benj^a Tasker Pres. of the Council.

To The Right Honourable Frederick Lord Baltimore Absolute Lord and Proprietary of the Province of Maryland

May it Please your Lordship

Prompted by the same Motives which lately incited our fellow Subjects in Great Britain to offer their Congratulations to our most Gracious Sovereign and his Royal Consort on the Celebration of their auspicious Nuptials, We your Lordship's Lieutenant Governor and Council have also taken the Liberty to express to their Majesties in two several Addresses our joy on that happy Event.

Lib. J. R. Your Lordship's kind and ready Compliance some Months
& U. S. ago with a Similar Request for which you will be pleased to accept our humble Thanks encourages Us to beg the favour of your Lordship to present to their sacred Majesties the Addresses which are now transmitted,

Horatio Sharpe Lieut. Governor
Benj^a Tasker Pres. of the Council

p. 327 At a Council held in the Council Chamber on Tuesday the 20 of April Annoq Domini 1762.

Present

His Excellency Horatio Sharpe Esquire Governor

Benjamin Tasker Esq ^r	}	Benedict Calvert Esq ^r
Sam ^l Chamberlain Esq ^r		Col ^o Henry
Col ^o Lloyd		Stephen Bordley Esq ^r
Richard Lee Esq ^r		John Ridout Esq ^r

His Excellency lays before this Board the following Letter received by him from the Right Honourable the Earl of Egremont One of his Majesty's Principal Secretaries of State as also the inclosed Declaration of War of His Majesty against the King of Spain

Whitehall January 7th 1762.

Sir

His Majesty, having found it necessary to declare War against the King of Spain, was pleased, in a Council, held, on Saturday last at S^t James's for that Purpose, to sign the inclosed Declaration, and to order, that the same should be Published, on Monday the 4th Instant, by the Heralds at Arms, in the usual Places, and with the accustomed Formalities which has Been Accordingly done, you will find the just and indispensable Reasons which have forced the King to take this Measure, so fully set forth in the above Declaration of War, that I am only to signify to you His Majesty's Pleasure, that you do cause the same to be Proclaimed in the Province of Maryland, under your Government, in order that the King's Subjects, having this Notice, may take care to prevent any Mischief, which, otherwise they might suffer from the Enemy, and do their duty, in their several stations, to distress and annoy the Subjects of Spain; and His Majesty would have you be very rigorous and severe in preventing any provisions, Ammunition or Stores, of Any kind, from being carried to

them, and you are to use all proper Methods, that may be most effectual for that Purpose, Lib. J. R.
& U. S.

I am with great Truth and Regard,
P. S. His Majesty has been Sir, Your most obedient
Pleased to order Letters of Marque, Humble Servant
or Commissions to Privateers, Egremont
to be granted in the usual Manner.

His Majesty's Declaration of War, against the King of Spain. p. 328

George R.

The constant Object of Our Attention, since Our Accession to the Throne, has been, if Possible, to put an End to the Calamities of War, and to settle the publick Tranquillity upon a Solid and Lasting Foundation, To prevent those Calamities from being extended still farther; and because the most perfect Harmony between Great Britain and Spain, is at all times, the Mutual Interest of Both Nations, it has been our earnest Desire to maintain the Strictest Amity with the King of Spain, and to Accommodate the Disputes between us and that Crown in the most amicable Manner. This object we have steadily pursued notwithstanding the many Partialities shewn by the Spaniards to our Enemies the French, during the Course of the Present War, inconsistent with their Neutrality: And most essential Proofs have been Given of the Friendship and Regard of the Court of Great Britain for the King of Spain and his Family. After a Conduct so friendly, and so full of Good Faith, on our part, it was Matter of great Surprise to Us, to find a Memorial delivered on the Twenty third Day of July last, by Monsieur Bussy Minister Plenipotentiary of France, to one of our Principal Secretaries of state, expressly relating to the Disputes between us and the Crown of Spain, and declaring that if those Objects should bring on a War, the French King would be obliged to take part therein. Our surprise was increased, when afterwards, this unprecedented and Offensive Step, made by a Power in open War with Us, was avowed by the Spanish Minister to our Ambassador at Madrid to have been taken with the full Approbation and Consent of the King of Spain, But as this Avowal was accompanied with the most becoming Apologies on the part of the King of Spain, and with assurances, that such Memorial should never have been delivered, if it had been foreseen that we should have Looked upon it in an offensive Light; and that the King of Spain was at Liberty, and ready to adjust all his Differences with great Britain, without the Intervention of Knowledge of France; and soon after we had the Satisfaction

Lib. J. R. to be informed by our Ambassador at Madrid that the Span-
 & U. S. ish Minister, taking Notice of the Reports Industrious-
 spread of an approaching Rupture, had Acquainted him, that
 the King of Spain had at no time been more intent on culti-
 vating a good Correspondence with us; and as the Spanish
 Ambassador at our Court made repeated Declarations to the
 same Effect, we thought Ourselves bound in Justice and Pru-
 dence to forbear coming to Extremities, But the same tender
 concern for the welfare of our Subjects which prevented our
 accelerating precipitately a War with Spain, if it could possi-
 bly be avoided, made it necessary for us to endeavour to
 know with Certainty, what were the engagements and real
 Intentions of the Court of Spain, therefore as we had In-
 formation that Engagements had been lately Contracted be-
 p. 329 tween the Courts of Madrid and Versailles; and it was soon
 after industriously Spread throughout all Europe by the Min-
 isters of France, that the purport of those Engagements was
 hostile to Great Britain, and that Spain was on the point of
 entering into the War, We directed our Ambassador to desire
 in the most friendly Terms, a Communication of the Treaties
 Lately concluded between France and Spain, or of such
 Articles thereof as immediately related to the Interest of
 Great Britain, if any such there were; or, at least an Assur-
 ance that there were none incompatible with the Friendship
 subsisting between Us and the Crown of Spain. Our Aston-
 ishment & Concern was great, when we learnt, that so far
 from giving Satisfaction upon so reasonable an Application;
 the Spanish Minister had declined answering, with reasonings
 and Insinuations of a very hostile Tendency: And as, at the
 same time, we had Intelligence, that Great Armaments were
 making in Spain, by Sea and Land, We thought it Absolutely
 Necessary to try once more, if a Rupture could be avoided:
 We therefore directed our Ambassador to ask in a Firm but
 Friendly Manner, Whether the Court of Madrid intended to
 join the French, Our Enemies, to act hostilely against Great
 Britain or to depart from its Neutrality; and if he found the
 Spanish Minister avoided to give a clear Answer, to Insinuate
 in the most decent Manner, that the refusing or avoiding to
 answer a question so reasonable, could only arise from the
 King of Spain's having already engaged, or resolved to take
 part against Us, and must be Looked upon as an avowal of such
 hostile Intention, and equivalent to a Declaration of War;
 and that he had Orders immediately to leave the Court of
 Madrid. The peremptory refusal by the Court of Spain, to
 give the least Satisfaction, with regard to any of those rea-
 sonable Demands on our part, and the Solemn Declaration at

the same time made by the Spanish Minister, that they considered the War, as then actually declared, proved to a Demonstration, that their Resolution to Act offensively, was so absolutely and irrevocably taken, that it could not be any longer dissembled or denied.

Lib. J. R.
& U. S.

The King of Spain, therefore, having been induced, without any Provocation on our Part, to consider the War, as already commenced against Us, which has in Effect been declared at Madrid; We trust, that by the Blessing of Almighty God on the Justice of our Cause, and by the Assistance of our Loving Subjects, we shall be able to defeat the Ambitious Designs, which have formed this Union between the two Branches of the House of Bourbon; have now begun a new War; and portend the most Dangerous Consequences to all Europe. Therefore, We have thought fit to declare, and do hereby declare War against the said King of Spain; and we will in pursuance of such Declaration, vigorously prosecute the said War, wherein the honour of our Crown, the welfare of our Subjects, and the Prosperity of this Nation, which we are determined at all times with our utmost power to preserve and support, are so greatly concerned, and we do hereby will and require Our Generals and Commanders of our Forces Our Commissioners for Executing the Office of Our High Admiralty of Great Britain, Our Lieutenants of our Counties, Governors of Our Forts and Garrisons, and all other Officers and Soldiers under them, by Sea and Land, to do and execute all Acts of Hostility, in the Prosecution of this War, against the said King of Spain, his Vassals and Subjects, and to oppose their Attempts; Willing and requiring all our Subjects to take notice of the same; whom we henceforth Strictly forbid to hold any Correspondence or Communication with the said King of Spain or his Subjects: and we do hereby command our own Subjects, and Advertise all other persons, of What Nation soever, not to transport, or carry, any Soldiers, Arms, Powder, Ammunition or other contraband Goods to any of the Territories, Lands, Plantations or Countries of the said King of Spain, declaring, that Whatsoever Ship or Vessel shall be met withall transporting, or carrying any Soldiers, Arms, Powder, Ammunition, or other contraband Goods, to any of the Territories, Lands, Plantations, or Countries of the said King of Spain, the same being taken, shall be condemned as good and Lawfull Prize. And whereas there may be remaining in our Kingdoms divers of the Subjects of the King of Spain, We do hereby declare our Royal Intention to be, that all the Spanish Subjects, who shall demean themselves dutifully towards us, shall be Safe in their Persons and Effects.

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Lib. R. J.
& U. S. Given at Our Court of S^t James's, the second day of January
1762, in the second year of our Reign.

God Save the King.

The following Proclamation being read is approved of, and ordered to issue with His Majestys Declaration of War annexed, and sent to the Several Counties of this Province

By His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland
Maryland ss^t

A Proclamation

Whereas I have received His Majesty's Declaration of War against the King of Spain, Given at the Court of S^t James's, the 7th January 1762, in the second year of His Majesty's Reign, A Copy whereof is here unto annexed as also a Letter from the Right Honour^{ble} the Earl of Egremont One of His Majesty's Principal Secretarys of State Signifying that it is his Majesty's Pleasure I should cause the said Declaration to be procla'med in the most Publick Places under my Govern-
ment I have therefore thought fit with the Advice of his
p. 331 Ldship's Council of State to Publish this my Proclamation, notifying the said Declaration to all his Majesty's Subjects, and strictly charging and requiring the several Sheriffs of the respective Counties of this Province at the most Publick Places in the said Counties as soon as conveniently may be will all Solemnity possible to proclaim and Publish the same And I do hereby further will and require the several Sheriffs of this Province to give notice to the Magistrates of their respective Counties, as soon as possible to meet and appoint a Day for Publishing his Majesty's said Declaration and this my Proclamation, and I do hereby Command the several Sheriffs and all Other his Lordship's Officers both Civil and Military as also the Militia in the respective Counties to attend in the handsomest Manner at the time so appointed for performing the same.

Given at the City of Annapolis this 20th Day of April Annoq Domini 1762.

Ordered that fifty Copies of His Majesty's Declaration of War be printed and sent to the several Counties of this Province with the aforegoing Proclamation, which was done accordingly.

The following Proclamation being drawn was read approved of & ordered to issue

Maryland ss^t

By His Excellency Horatio Sharpe Esq^r Governor and
Commander in Chief in and over the Province of Maryland

Lib. J. R.
& U. S.

1302480

A Proclamation

Whereas I have received his Majesty's Commands Signified to me by the Right Honourable the Earl of Egremont's letter that I should Require and Command his Majesty's Subjects within this Province to do their Duty in the several Stations within this Province to take care to prevent any Mischief which they may otherwise suffer from the subjects of the King of Spain, with whom he is now at War, And that they may Do their Duty in their Several Stations to distress and Annoy the Subjects of the said King of Spain, And that His Majesty would have me to be very Rigorous and severe in preventing any Provisions Ammunition or Stores of any Kind from being Carried to them And that I use all proper Methods that may be most Effectual for that purpose,

I do therefore with the Advice of his Lordship's Council of State, pursuant to his Majesty's Commands by this my Proclamation require and Command his Majesty's Subjects under my Government to take Effectual care that they suffer no mischief from the Subjects of the said King of Spain with whom his Majesty is now at War, And that they Severally do their Duty in their Respective Stations to distress and annoy as p. 332 Enemies the Subjects of Spain, And I do hereby Command and Injoin that no Provisions Ammunitions or Stores of any kind be by any of the People of this Province carried to any of the Subjects of the said King of Spain And I do hereby require the Collectors of his Majesty's Customs the Naval Officers and all other Officers Whatsoever to be very diligent in their Several Stations in order to prevent or discover any such Practice

And Whereas his Majesty hath been Pleased to order Letters of Marque and Commissions to Privateers to be granted in the usual manner I do therefore hereby notify to all his Majesty's Subjects that for their Security and the better to annoy and distress the Subjects of the said King of Spain Letters of Marque and Commissions for Privateers will be granted to any of his Majesty's Subjects who shall apply for the same in the Usual manner.

Given at the City of Annapolis this 20th Day of April Annoq Domini 1762.

Lib. J. R. At a Council held in the Council Chamber on Wednesday
& U. S. the 21. of April Annoq Domini 1762.

Present as yesterday,

Read the Report of the Magistrates of Dorchester County whereby It appears they had passed sentence of Death against Negro James the Slave of Thomas Howell of the Same County for Felony, and also Read the Petition of the said Thomas Howell on behalf of the said Negro James whereby It appears by a Recommendation of the said Justices that the said Negro James is an Object of His Excellency's Mercy.

It is advised that a Pardon issue for the said Negro, which his Excellency Ordered and It issued accordingly.

Read the Report of the Justices of the Provincial Court whereby It appears they had passed Sentence of Death against Negro Coffee the Slave of James Elder for murder Ordered Death Warrant for his Execution on Wednesday the 5. of May next.

Read the Report of the Justices of a Special Court of Oyer and Terminer held in Cecil County whereby It Appears they had passed Sentence of Death against Michael Oroonoko for Murder ordered Death Warrant for his Execution on Friday the 7. of May Next.

p. 333 At a Council held in the City of Annapolis on Thursday the 13. of May Annoq Domini 1762.

Present

His Excellency Horatio Sharpe Esq^r Governor.

Benjamin Tasker Esq^r Stephen Bordley Esq^r & John Ridout Esq^r

His Excellency lays before this Board the following Letter and desires their Opinion and Advice thereupon

New York, 15th April 1762.

Sir

As from Several papers that have fallen into my hands I have undoubted Proofs of the Enemy being Supplied with Provisions from almost Every Port on the Continent of North America; I must Represent to you the Necessity of putting an Effectual Stop to such Infamous Practices; particularly at a time when there is the greatest Demand for Provisions to Supply the King's Troops; and as I am well Assured that there are Large Quantities in Store in Several of the Provinces, kept up by the Merchants on purpose for Exportation, and

that very Large Supplies will be wanted for the Troops that are to Assemble on this Continent for Immediate Service, I should Desire an Embargo on the Shipping, were I not Averse to such a Measure, which might be attended with Several Inconveniencies; and as I think the preventing any provisions from being Exported, may answer the same End; I must therefore Request you will be pleased to take such Steps as you think best for Effectually prohibiting any kind of Provisions from being Shipped at any of the Ports within your Province, Except for the abovementioned Services.

I have made the same application to the Governors of the Several Provinces nearest to this place, I have Likewise Appointed Persons to Buy up the Provisions at the Market Price, for which Purpose I have Requested press Warrants to Oblige the Merchants to Deliver what they have in Store at a reasonable rate, that the King's Service may be carried on, and may not Suffer for want of that most Essential Article.

I am with great Regard,
Sir,
Your most Obedient
Humble Servant
Jeff: Amherst

Upon Consideration of the above Letter The Board they are perswaded that no Trade has been carried on from this Province as is said to have been done from the Northern Colonies with his Majesty's Enemies nor Provisions exported hence to any Places without his Majesty's Dominions, advise that a Circular letter be wrote to the Several Officers of the Customs within this Government requiring them to pay the most punctual Regard to the Act of Parliament made in the 30th year of his late Majesty's Reign Entituled an Act to prohibit for a limited time the Exportation of Corn Grain Meal Malt Flour Bread Biscuit Starch Beef Pork Bacon & other Victual (except Fish & Roots & Rice to be exported to any part of Europe Southward of Cape Finisterre) and ordering them in Case they shall have the least Room to Suspect that any Vessel which hath been laden or shall be laden in their respective Districts was or may be destined for any Port out of the King's Dominions to Communicate without Delay Such their Suspicions to his Excellency. This is all the Board think the Governor can do in Consequence of the General's Letter unless a General Embargo was to be laid in the Several Colonies on this Continent.

Read the Report of the Justices of a Special Court of Oyer and Terminer held in Frederick County whereby it appears

Lib. J. R.
& U. S.

p. 334

Lib. J. R. they had passed Sentence of Death against Richard Crosby
& U. S. (otherwise called Richard Dew) of the said County Labourer
for Murder ordered Dead Warrant for his Execution on
Wednesday 26th. of May

At a Council held at the City of Annapolis on the 9th June
Annoq Domini 1762.

Present

His Excellency Horatio Sharpe Esq^r Governor
Benjamin Tasker Col. Lloyd John Ridout

Ordered that Notice be given to the Commissioners of the
Paper Currency Office that such Bonds and Mortgages as are
now remaining in the said Office, upon which more than One
Year's Interest is due, that the Debtors be required to come
and pay the same into the said Office on or before the first Day
of August Next otherwise their Bonds will be put in Suit,

p. 335 At a Council held at the Governor's on Friday of July An-
noq Domini 1762.

Present

His Excellency Horatio Sharpe Esquire Governor.
Benjamin Tasker Stephen Bordley John Ridout Esquires

His Excellency acquaints this Board that His Lordship the
Right Honourable the Lord Proprietary had appointed
Charles Goldsborough a Member of the Council and that he
attends in order to be Qualified; who takes the Several Oaths
to the Government subscribes the Abjuration and Test and
takes the Oath of a Councillor who thereupon takes his Place
at the Board Accordingly.

His Excellency lays before this Board the following Letter.

June 11th 1762.

May it Please your Excellency.

I have thought proper to acquaint you that there came to my
House in the Last of April Last past Ten warrior Indians of
this six nations who were going to war against the Cherokees
and who also had a pass Setting forth that they had Been in
actual service under General Johnston and requesting the
Inhabitants through which they Pass to furnish them with
Provision agreeable to the Treaty of Lancaster & in Consi-
quence of my former Instructions from Governors Ogle &

Bladen my family supplied them with Provisions the time they stayed at my Plantation which was three Days; They informed me that three hundred men of their nation would be along this way at the time that Corn would be waist high, who likewise designed to war against the Cherokees and as they always have and suppose always will make this their way Backwards and forwards & Commonly a Stage for some Days which is no small Inconvenience and Expence to me as they will have Provision either by fair or foul means which unless I can get some Retaliation or Satisfaction for (as it would be very Unreasonable I should Bare intirely such a burthen and Expence) shall Endeavour to protect my private property either by force or otherwise, I therefore recommend the Circumstances I am likely to fall under to your wise Consideration before I am compeld (as I in all Likelyhood may be) to enter into them that I may not be Culpable should the Indians Resentment be drawn on this Province thereby, I hope you will give me your Candid advice how to proceed in the above matter if Requisite and whether to let them have Provisions they Demanding it or Protect my Right by force as nothing is more Certain then that they will Endeavour to take it by force if Denied them otherwise. I was just now informed by two Gentlemen from Virginia that the Cherokees had Lately Robed one Cap^t Cristy a trader from Augusta County in Virginia to the Value of Fifteen hundred Pounds in goods and Killed one of his men. This is all we have metieral from those parts and not any thing worth mentioning

I am Respectfully your Excellencies Most Obedient
& very Humb^{le} Servant
Tho^s Cresap.

P. S. Col^o Boquet is now at Bedford who was on his way to his Plantation in this Province but unluckily as he and Cap^t Curry were Riding out in a Chair got overset which Broke Cap^t Curry's Leg and hurt the Col^o very much which has prevented his Coming further as yet

I am as above
T. C.

Ordered that the Clerk send the following Answer thereto.
Sir

I am ordered by the Governor and Council to acquaint you that as Soon as the Governor receives an Answer to your Letter of the 11th June last sent him a Copy whereof he has

Lib. J. R.
& U. S.

p. 336

Lib. J. R. transmitted to his Excellency General Amherst, he will write
& U. S. you fully in Relation to the Subject Matter contained therein
I am your Humb^{le} Servant.

At a Council held at the City of Annapolis on Thursday the
12. August Annoq Domini 1762.

Present

His Excellency Horatio Sharpe Esq^r Governor

Col: Hammond Benedict Calvert Stephen Bordley John
Ridout Esquir's

Read the following Letter of General Amherst's to the
Governor

New York 4th July 1762.

Sir

Last Night I had the favour of your Letter of the 26th June,
Enclosing a Copy of One you had received from an Inhabitant
of the Western part of your Province, in regard to Furnish-
ing Provisions to Parties of Indians, belonging to the Six
Nations, going to War against the Cherokees.

I have been Informed that some Parties do Intend to go
against the Southern Indians, Bordering on the French and
Spanish Settlements; but as your Province have done Nothing
for the King's Service I should Imagine, on your Application
to the Assembly, they would at least make Provision for
Enabling the Inhabitants of their own Province, to Supply
such Friendly Indians as Pass and Repass, with Common
Necessaries, that they may Pursue their Intended Plan of Dis-
tressing the Enemy; but if they obstinately Refuse to lend the
least Assistance towards the Security and Safety of their own
People, they must be Answerable for the Consequences; for
it is most Unreasonable to Imagine, that the Province of
Maryland, should, in the midst of an Expensive, tho' Just and
Necessary, War, Remain Idle Spectators, without giving
the least Assistance, whilst the other Colonies are Exerting
themselves with a becoming Spirit to Enable His Majesty to
p. 337 Reduce His Enemies so as to bring about a Lasting and an
Honourable Peace.

I am with great Regard

Sir

Your most Obedient Humb^{le} Servant

Jeff: Amherst

His Excellency Governor Sharpe.

The following Answer being prepared is ordered to be sent by the Clerk of this Board to Col: Cresap. Lib. J. R.
& U. S.

Sir

The Governor having received an answer to the Letter he some time ago sent to S^r Jeffery Amherst with a Copy of yours to Himself dated 11th of June last orders me to Inform you that the General was apprized of the Intention of some Parties of the Six Nation Indians to go and make War on Indians to the Southward and that he had no doubt but the Inhabitants of these Colonies as the Parties should Pass and repass would supply them with such Provisions as they should stand in need of presuming the Assemblies of the respective Provinces will satisfy such Persons as may be under a necessity of doing so, In consequence therefore of the General's Letter the Governor recommends it to you to furnish such Parties of Friendly Indians as may call at your House with necessary Provisions and if, when the Assembly meets you will Produce a proper Account of what you may furnish he will recommend it to the Assembly to make Provision for your Reimbursement which His Excellency Flatters himself they will readily do especially as being a Member yourself you can make the Gentlemen of the Lower House sensible that the steps you shall have taken were absolutely necessary to prevent the Indians committing Depredations on the Frontier Inhabitants and Disturbing the Peace of the Province.

I am your Humble Servant
John Ross.

Ordered that the General Assembly of this Province be prorogued to the first Monday in March Next and Proclamations issued accordly

At a Council held at the City of Annapolis on August 1762

Present

His Excellency Horatio Sharpe Esq^r Governor

Col^o Hammond Stephen Bordley John Ridout Esquires

Read the Report of the Magistrates of Charles County whereby It appears they had passed Sentence of Death against Negro Jonathan Slave of Basil Smith for a Felony Ordered Reprieve for a Month for Negro Jonathan which issued accordly and the Clerk is drected to write to the Sheriff to set him at Liberty and acquaint him that unless he behaves well he will be called to his former Sentence. p. 338

Lib. J. R. At a Council held at the City of Annapolis on Saturday 25th
& U. S. Septemb^r 1762

Present

His Excellency Horatio Sharpe Esq^r Governor.

Benjamin Tasker Esq ^r	}	Stephen Bordley Esq ^r
Col ^o Lloyd		John Ridout Esq ^r
Col ^o Henry		Charles Goldsborough Esq ^r

Read the Report of the Justices of the Provincial Court Whereby it appears they had passed Sentence of Death against Michael Peck of Frederick County Labourer for the Murder of a certain George Poe of the Same County, Ordered Dead Warrant for the said Michael Peck on Friday the 2^d October Next.

And it likewise appears by the same Report they had passed Sentence of Death upon Thomas Cooper of Ann Arundel County Labourer for breaking and entering the Storehouse of a certain Benjamin Chew and Stealing Sundry Goods therefrom Ordered Dead Warrant for the Execution of the said Thomas Cooper on Friday the 8th October next.

At a Council held at the City of Annapolis on Wednesday 24th Novemb^r 1762.

Present

His Excellency Horatio Sharpe Esq^r Governor.

Benjamin Tasker Stephen Bordley John Ridout Esquires

His Excellency lays before this Board the Right Honourable the Earl of Egremont's Letter to him acquainting him of the Birth of a Prince of Wales.

Ordered that an address be prepared to the King and Queen and another to the Lord Baltimore desiring he would be pleased to present the same which being drawn are read and approved of as follows.

To The King's Most Excellent Majesty.
Most Gracious Sovereign.

Joyful beyond Expression at an Event so interesting to your Majesty and your People at the auspicious Birth of a Prince, your Majesty's most dutifull and Loyal Subjects the Lieutenant Governor and Council of your Province of Maryland humbly beg leave to offer their most hearty Congratulations. Convinced of your Majesty's paternal Regard and Affection for all your Subjects however remote from your Royal Presence and truly grateful for the Blessings derived

to your Dominions from your Glorious Reign We entertain the most ardent hopes that your Majesty and our most gracious Queen happy in each other, in your Offsprings, and your People, will long continue to enjoy every Felicity whereof Human Nature is capable and that your Royal Issue formed by your Parental Care and illustrious Example may with the British Crown inherit the eminent and Princely Virtues which at this period so conspicuously adorn it.

Lib. J. R.
& U. S.

Horatio Sharpe Lieut. Governor.

Benjamin Tasker Pres^t of the Council

To the Queen's most Excellent Majesty

May it Please your Majesty

Graciously to accept the dutiful Congratulations of the Lieutenant Governor and Council of the Province of Maryland on an Event which hath Gratified the ardent Wishes of your Majesty's Subjects and given Them new Cause joyfully to commemorate your Conjugal Union with Our beloved and Glorious King.

Thankful to Heaven for the prospect now afforded Us that the inestimable Blessings We ourselves enjoy under His Majesty's auspicious Reign will be continued to Posterity We most fervently pray that every pleasing Hope your Majesty can entertain may be accomplished, that you may continue the Delight of your Royal Consort, be the Happiest of Mothers, and as at present, ever beloved by a grateful and affectionate People.

Horatio Sharpe Lieut. Governor

Benjamin Tasker Prest^t of the Council.

To The Right Honourable Frederick Lord Baltimore Absolute Lord and Proprietary of the Province of Maryland.

The Humble Address of your Lordship's Lieutenant Governor and Council

May it Please your Lordship.

The Safe and happy Delivery of the Queen and the auspicious Birth of a Prince of Wales having been notified to Us by a Letter from One of His Majesty's principal Secretaries of State directed to your Lordship's Lieutenant Governor We are prompted by our Joy at such an important Event to offer to our most Gracious Sovereign and his Royal Consort our humble Congratulations. Your Lordship's kind Compliance with our former Requests leave Us no Room to doubt your Inclination to oblige Us on every occasion

Lib. J. R. We therefore take the Liberty to transmit to your Lordship
& U. S. the Addresses We have prepared to Their Majesties and in-
treat the Favour of your Lordship to present them

Horatio Sharpe Lieut. Governor

Benjamin Tasker Prest^t of the Council

His Excellency lays before this Board the following Letter

Philadelphia 2^d October 1762.

Sir

The six Nations having taken a Resolution to continue the War against their old Enemies the Cherokees, their Chiefs requested of me at the Treaty lately held with a large body of them and the Western Indians, that I should open a Store for the Accommodation of their Warriors at Harris's Ferry, and that I would forward their Request to you, to have another opened at Cressap's on Potomack.

Conformable therefore to my Promise, I sent you an Extract of What passed between us on that Occasion, together with their Belt; and as they will expect an answer from you with all convenient Speed, I think if you would be pleased to send it under Cover to Sir William Johnson, he would take the first opportunity of conveying it to the Six Nations.

You will observe by the Extract that the Warriors intended to go through the settled part of Cumberland County, and through the very Country in which they had committed so many cruel Outrages; but that they altered their Design on my representing to them the Dangers of taking such a Route.

I am with the Greatest Respect

Sir your most Obedient & most

Humble servant

Governor Sharpe

James Hamilton

Extract from the Treaty held with the Indians at Lancaster in the Month of August 1762.

The Governor's Answer to the Six Nations.

Brethren

By the relation you gave me at Easton in 1758, when you was relating the Causes of the War, it appears that you were of Opinion, One of the principal reasons, which made you join the French against us, was owing in a great Measure to the ill treatment your Warriors met with in Virginia, in those places, where your War hath passed through the settled part of that Colony, and you have now desired me to write to the Governor of Virginia that as there are settlers on your War

Path, whereby it is stopped, he would cause it to be opened, Lib. J. R.
now Brethren, I must acquaint you, that all the way from & U. S.
Harris's Ferry to Patomack, the white People are settled very
thick; so that should your Warriors now use that Path, frequent
differences between them and the Inhabitants might
probably arise, by means whereof, the Peace so lately established
between us may be endangered and I must desire you
for this reason to use your best Interest with your Warriors,
in case they are determined to go to War, that they would
pursue the old War Path from Shamokin, which lies along the
foot of the Allegheny Hills, & which is the nearest way they
can go to their Enemies Country.

A Belt

Brethren

By this Belt you desire a trading House may be erected on
Potomack at Daniel Cressap's House, and that he may have
the Care of it for the Supply of your Warriors, and that I will
send your request to the Governor of Maryland.

Brethren

Your Belt and all you said upon it shall be carefully sent
to Governor Sharpe.

Deogwanda the Onondago Chief's Answer to the Governor.
Brother Onas.

I mentioned to you the other day my desire, that there
should be a Store House kept at John Harris's and that he
might have the Care of the Store for the Warriors.

I desired at the same time, that the Road might be opened
for the Warriors to pass through the back Settlements to the
Southern Indians, you know we are, and always have been at
War with them, and I shall now begin to strike them. You
told me in answer that you thought it best that that Road
should be stopt up, least any differences should arise between
your People and our Warriors, and desired if any Warriors
did go to War, they would take the Old Road, that led to the
Southward under the Mountains; and I now tell you, that as
you desired that Road should be stopt, it shall be so; and I
will take the old Road.

Extract from the Treaty held by the Indians at Lancaster
in the Month of August 1762.

Brother Onas,

I will also acquaint you of another Trading place which is
the place they call Potomack in Maryland One Daniel Cressap
has sent me word by my Warriors this Spring, and he tells
me that if the Governor would order him to keep a Store there,

Lib. J. R. he would Provide every thing for the Warriors; for his
& U. S. Father used to maintain all the Indian Warriors that passed
p. 342 and repassed that way, he Likewise tells me if the Governor
would let him know what he must do, and if he should be
allowed to do this, he would provide for the Warriors, We now
desire that he may be the Person appointed to receive Mes-
sages, and that you would acquaint the Governor of Maryland
with this, that the Warriors may pass and repass that way
without any Molestation.

A Belt of 7 Rows.

Ordered that the following Letter be sent to Sir William
Johnson

Annapolis 25th of November 1762.

Sir

Governor Hamilton having lately sent me an Extract of a
Speech that was made to him by the Six Nations at the Lan-
caster Treaty last Summer, by which I observe they desire One
Daniel Cresap of this Province may be ordered to keep a Store
house on Potomack near the Road their Warriors pass on their
Expeditions against the Southern Indians, I take the Liberty
to send you a Copy of the Extract and to desire your Opinion
of their Intention in making such applications for if they ask
no more than that Daniel Cresap may be permitted to trade
with and sell their Parties as they shall pass & repass Such
Articles as they may want, he is at Liberty to do so without
any Special License from me, there being no Law to restrain
such Trade, but if what they want is that the abovementioned
Person may be impowered to Supply their Parties gratis or
at the Expençe of the Province with such goods as they may
apply for, I cannot take upon myself to give him orders to that
Effect and am much afraid that the Assembly should I recom-
mend the Matter to them would not subject their Constituents
to such an Expençe. However to prevent any Disputes be-
tween such Parties of Indians and the Inhabitants in Case they
should want Provisions as they pass through this Province, I
have recommended it to M^r Thomas Cresap the Father of the
Person abovementioned, who lives about fifteen miles on this
side Fort Cumberland to furnish with necessary Provisions
such Indian Warriors as may apply to him, and I have Prom-
ised to lay his Accounts before the Assembly for Payment
hoping they will not object to making him Satisfaction, though
at the same time I wish those Indians when they go to the
Southward could be prevailed on to take their Rout (which in
my opinion is equally convenient to them) by the Way of Fort
Cumberland, where I understand One of the King's Officers

still resides in the Character of Fort Major, and is I Presume Lib. J. R.
authorized and enabled to receive and entertain Such Friendly & U. S.
Indians as may at times take Occasion to call at that Place.
As I shall decline returning any Answer to the Indians Re-
quest till you shall be pleased to communicate to me whether I
may then take the Liberty to Address my Answer to you or
by what other means I may convey it to them

I am Sir with great Regard your hble Serv^t
H. Sharpe

At a Council held at the City of Annapolis on Wednesday p. 343
15th Decemb^r 1762.

Present

His Excellency Horatio Sharpe Esquire Governor

Benjamin Tasker Benedict Calvert Stephen Bordley John
Ridout Esquires

Read the Report of the Magistrates of Talbot County
Whereby it appears they had passed Sentence of Death upon
Negro Abraham Slave of William Elston of Talbot for Felony
in attempting to burn the Kitchen of a Certain Thomas Hill
of the same County. Ordered Pardon issue for the said
Negro which issued accordingly.

And it likewise appears they had passed Sentence of Death
upon Negro George Slave of M^{rs} Deborah Nicols for feloniously
breaking and entering the Storehouse of a Certain
William Nicholls of the same County Merchant the Same not
being contiguous to or used with any Dwelling house and
stealing therefrom sundry Goods and Chattles

And have also Read the Report of the Justices of Dor-
chester County Whereby it appears they had passed Sentence
of Death upon Negro Stephen the Slave of Henry Ennalls of
the Same County for feloniously breaking and entering the
Dwelling House of a Certain Henry Ennalls of Dorchester
County and Stealing therefrom four Gallons of Brandy

And it likewise appears they have Read the Report of the
Justices of Frederick County Whereby it Appears the had
passed Sentence of Death upon Negro Coffee the Slave of
Henry Wright Crabb of the Same County for breaking and
entering the Meathouse of a Certain Henry Wright Crabb
and Stealing therefrom twenty five pounds of Bacon.

Ordered Reprieve for the said Negro Coffee which issued
accordingly.

Lib. J. R.
& U. S.

At a Council held at the City of Annapolis on Friday the 11th of February 1762.

Present

His Excellency Horatio Sharpe Esq^r Governor.

Benjamin Tasker Stephen Bordley John Ridout Esquires

Ordered the Assembly of this Province which stands prorogued to 7th of March be further prorogued to Saturday the 11th of June next and Proclamations issued accordingly

Read the following Account of the 3^d p Hdd on Tob^o with James Hollyday Esq^r

p. 344 D^r Stock for the Eastern Shore of Maryland on Account of the duty of 3^d Sterling p Hogshead on Tobacco exported as by the Several Naval Officers' Accounts for the year 1747 with James Hollyday Esq^r late Treasurer.

1747. To the Treasurer's Salary on £23..5..2½	}	0..11.. 7½
at 2½ p C ^t		
To Ballance Transmitted to Joseph Adams, Merchant in London, by Direction of the Act that imposed this duty	}	22..13.. 7
		£23.. 5.. 2½

1747 By the duty of 3 ^d Ster ^s p hogshead on Tobacco exported as p Account of M ^r Henry Hollyday Deputy Naval Officer of Port Oxford, from the 11 th to the 29 September, after his Salary deducted	}	23.. 5.. 2½
By the Naval Officer of Annapolis no Account rendered		0.. 0.. 0
By the Naval Officer of Pocomoke, no Account rendered		0.. 0.. 0
By the Naval Officer of Cecil, no Account rendered		0.. 0.. 0
		£23.. 5.. 2½

D^r Same Stock &c^a

To Commission charged by Silvanus Grove Exōr of Joseph Adams on £22..13.. 7 transmitted the said Adams	}	0.. 2.. 3
To Cash charged by Ditto for postage of Letters		0.. 1.. 2
To Ballance due on this Stock as by the Several Accounts rendered the General Assembly by the Exix of the late Treasurer in May 1751 & June 1752 and by her Exōr in April 1761	}	33.. 5.. 1¾
		£33.. 8.. 6¾

By Ballance of dutys collected and received by the late Treasurer to the year 1740 inclusive, as by his Several Accounts rendered the General Assembly in August 1745, June 1746 & June 1747 in the hands of William Hunt, Mer- chant in London	Cr	Lib. J. R. & U. S.
	10..14..11 3/4	
By the above Ballance transmitted to Joseph Adams Merchant in London & now remain- ing in the hands of Silvanus Grove his Exor	22..13.. 7 1/2	
	£33.. 8.. 6 3/4	

By the above Ballance 33..5..1¾ of which there	
is in thands of William Hunt	} 10..14..11¾
William Grove	22..10.. 2
	<hr/> £33.. 5.. 1¾

D ^r M ^{rs} Sarah Holliday Ex ^x to the late Treasurer of the Eastern Shore her Account Current		
	1748. By her Bill on William C ^r	
1749. To postage of Letters	0.. 1..2	Anderson 22..13..7
To ½ Commission p C ^t on		
22..13..7	0.. 2..3	
To Ballance due to her	22..10..2	<u>£22..13..7</u>
	<u>£22..13..7</u>	

London October 1st 1749
Silvanus Grove

Copy

Ex^r to M^r Joseph Adams dec^d

Ordered that the Clerk of this Board draw an Order on p. 345
James Holliday Esq^r Exec^r of Sarah Holliday who was Ex^{ec}
of James Holliday Esq^r late Treasurer of the Eastern Shore
to pay unto Henry Wall or order the Sum £33..5..1¾ Sterling
being so much due to him upon Account of his Salary as
Armourer of this Province out of the duty of 3^d p hogshead
for Arms lodged in the hands of M^r William Hunt & Silvanus
Grove Exec^r of Joseph Adams, Merchants in London.
£10..14..11¾ Hunt.
£22..10.. 2 Grove.

His Excellency lays before this Board a Letter received by him from the Earl of Egremont inclosing his Majesty's Proclamation for a Cessation of Arms which are as follow.

Lib. J. R.
& U. S. Sir

Whitehall November 27, 1762.

It is with great Pleasure I now acquaint You, that on the 8th Instant, a Messenger arrived from the Duke of Bedford, with the Preliminary Articles of Peace, which had been Signed, on the 3^d of this Month, at Fontainebleau, by His Grace and the Plenipotentiaries of France and Spain; and another Messenger having yesterday brought the Ratifications of the said Preliminaries, which had been exchanged at Versailles, on Monday last, His Majesty was pleased immediately to order a Proclamation to be Published, declaring a Cessation of Arms, as Well by Sea and land, which I inclose, herewith, I am Commanded to signify His Majesty's Pleasure to you that you cause the same to be Published in all the Proper Places under your Government, to the end that all His Subjects there may Pay due Obedience thereto, and Strictly Observe the same,

I congratulate you most sincerely on this fortunate Issue of the King's unwearied Endeavours to put an end to the Calamities of so long and destructive a War, by restoring, as far as has depended on His Majesty the general Peace & Tranquillity.

I am with great Truth and Regard
Sir

Your Most Obedient humble Servant
Egremont.

By the King

A Proclamation,

Declaring the Cessation of Arms, as well by Sea as Land agreed upon between His Majesty, the Most Christian King, and the Catholic King, and enjoining the Observance thereof,
George R.

Whereas Preliminaries for restoring peace, were Signed at
p. 346 Fontainebleau, on the third Day of this Instant November, by the Ministers of Us, the most Christian King, and the Catholic King: And Whereas, for the putting an End to the Calamities of War, as soon and as far as many be possible, it has been agreed between Us, His most Christian Majesty, and His Catholic Majesty, as follows; that is to say,

That as soon as the Preliminaries Shall be signed and ratified, all Hostilities should cease at Sea, and at Land.

And, to prevent all Occasions of Complaints and Disputes which might arise upon Account of Ships, Merchantdizes, and other Effects, which might be taken at Sea, it has been also Mutually agreed, That the Ships, Merchandizes, and Effects, which should be taken in the Channel, and in the North Seas,

after the Space of Twelve Days, to be computed from the Ratification of the present Preliminary Articles; and that all Ships, Merchandizes, and Effects, which should be taken after Six Weeks from the said Ratification, beyond the Channel, the British Seas, and the North Seas, as far as the Canary Islands inclusively, whether in the Ocean or Mediterranean; and for the space of three Months, from the said Canary Islands to the Equinoctial Line or Equator; and for the space of Six Months, beyond the said Equinoctial Line or Equator; and in all other Places of the World, without any Exception, or other more particular Distinction of Time or Place, should be restored on both Sides,

Lib. J. R.
& U. S.

And Whereas the Ratifications of the said Preliminary Articles, in due form, were exchanged at Versailles, by the Plenipotentiaries of Us the most Christian King, and of the Catholic King, on the Twenty-Second of this Instant November, from which Day the Several Terms abovementioned, of Twelve Days, of Six Weeks, of Three Months, and of Six Months, for the Restitution of all Ships, Merchandizes, and other Effects, taken at Sea, are to be Computed.

We have thought fit, by and with the Advice of Our Privy Council to notify the Same to all Our loving Subjects; and we do Declare, That Our Royal Will and Pleasure is, and we do hereby Strictly Charge and Command all Our Officers, both at Sea and Land, and all other our Subjects Whatsoever, to forbear all Acts of Hostility, either by Sea or Land, against His Most Christian Majesty, and His Catholic Majesty, Their Vassals or Subjects from and after the respective Times above mentioned and under the Penalty of incurring Our highest Displeasure.

Given at Our Court at St James's the Twenty Sixth Day of November, in the Third year of Our Reign, and in the year of Our Lord 1762.

God Save the King.

Ordered the following Proclamation issue and It is likewise advised that his Excellency be pleased to order his Proclamation to issue to the Several Counties of this Province notifying his Majesty's said Declaration.

By His Excellency

Horatio Sharpe, Esq^r

p. 347

Governor and Commander in Chief in and over the Province of Maryland:

A Proclamation.

Whereas His Majesty's Royal Commands have been Signified to me by the Right Honourable the Earl of Egremont,

Lib. J. R. one of His Majesty's Principal Secretaries of State by his
& U. S. Letter of the Twenty Seventh of November last, that I should cause His Majesty's Proclamation declaring a Cessation of Arms, as well by Sea as Land, between His Majesty, the Most Christian King, and the Catholic King, a Copy of which Proclamation is hereunto annexed, to be Published in all the proper places under my Government.

I Have therefore thought fit, by and with the advice of his Lordship's Council of State, to Publish this my Proclamation, Strictly charging and requiring the Several Sheriffs of the respective Counties of this Province, at the most Publick Places in their said Counties, His Majesty's said Proclamation, immediately to Publish and Proclaim, that all his Majesty's Subjects within this Province, may pay due obedience to, and strictly observe, the same; and I do hereby command the said Sheriffs, that they fail not so to do, as they will answer the contrary at their Peril,

Given at the City of Annapolis, this Eleventh Day of February in the Twelfth year of His Lordship's Dominion, and in the Third year of His Majesty's Reign. Annoq Domini 1763.

Signed per Order, John Ross Clk Coun^c

At a Council held at the City of Annapolis on 28th March 1763.

Present

His Excellency Horatio Sharpe Esquire Governor.

Benjamin Tasker Stephen Bordley John Ridout Esquires

His Excellency is pleased to lay before this Board the following Letter to him from Sir William Johnson

Johnson Hall January the 4th 1763.

Sir

Your favour of the 25th of November, I did not receive untill about three days ago, but hope this will proceed with greater Expedition. I am of Opinion that the Indians' Expectations in requesting Daniel Cresap were that he should supply them Gratis at the Expence of the Province, which they had been too much encouraged to hope for from the treatment they had been accustomed to by the French who found their interest in so doing, as it weakened our Interest with the Six Nations, and enabled them to carry on the War with vigour against the Cherokees, which at the same time that it gratified their inclination disabled them from affording us assistance.

The like Demand is made in Pensilvania, and I cannot but think that some Selfish People may have set them upon making such a request to serve their private interest at the expence of the Publick as otherwise I am of Opinion they would scarcely have made application for that purpose. Lib. J. R.
& U. S.

I am very sensible of the opposition with such a proposal must meet with from the House of Assembly, but hope they will allow Cresap for the Expences he may be at in Conformity to your directions, after which he can, and I suppose will keep goods for them at his own Expence, in case he thinks it necessary and beneficial.

At the request of Lieutenant Governor Fauquier for that purpose to me, my Deputy Agent desired at a meeting lately held at Onondaga that the Indians would take the Old Back Path in going to War against the Southern Indians, which they Promised to take into Consideration, But their passing by Fort Cumberland will be of no service to them as Sir Jeffery Amherst does not chuse to allow the Indians supplies in these parts, & I presume the Officer Commanding there is likewise restricted in the Same Manner.

I cannot but observe to you that I am Confident the shewing the Indians in general some favor, and bestowing a few Presents as yet Occasionally on them will greatly contribute to stifle many rising Jealousy's and suspicions now amongst them concerning Us, and that our disapproving or discouraging their prosecuting the War against the Southern Indians however reasonable, would greatly inflame them at present, and give them reason to think we had formed some of those projects which the French reasonably told them we should not fail to put in practice on the reduction of Canada.

Whatever Answer you shall think necessary to return the Indians, shall be Communicated to them on being transmitted to me, and you may at all times command my Sentiments on matters relative to the good of the Province, or your Own Satisfaction As

I am with great Esteem
Sir Your most Obedient & Most humb^{le} Servant
Will: Johnson

Annapolis 28th March 1763

Sir

Having lately received the Letter you were pleased to write to me the 4th of January in Answer to one I had taken the Liberty to trouble you with the 25th of November last I now return you thanks for favouring me with your Opinion Concerning the application which those of the Six Nations who

Lib. J. R. were at the Lancaster Treaty last Summer had thought fit by
& U. S. means of Governor Hamilton to make to me and at the same
time I sent you Inclosed the Answer which the Gentlemen of
p. 349 Our Council advise me to give those Indians' Message which
Answer I must desire the favour of you to forward to them
together with a Belt of Wampum if you think it expedient for
me to send one, for as no Indian Trade hath been carried on
from this Province for some time It would not be possible for
me to purchase any Wampum here and indeed if I could and
was to Inclose a Belt in my Letter I apprehend the postage of
it would amount to more than a Belt's Value, as I do not think
our Assembly will ever be persuaded to cultivate the Indians
Friendship by presents or consent to pay for any thing which
M^r Cresap might deliver their parties passing or repassing
except Provisions and Indeed I am not sure the Assembly will
defray even that Expencc. I am in hopes the Indians will not
be dissatisfied at my declining to comply in every respect with
their Request; if you think it would be proper or necessary to
give them a Reason for my declining to do so I should be much
obliged to you if you will be so kind as to communicate it to
them in the Manner you think will be most Satisfactory

I am &c.

Horatio Sharpe.

Brethren of the Six Nations.

The Governor of Pennsylvania having sent me a Belt which
you gave him for the Governor of Maryland at the Treaty
you held with him last Summer at Lancaster and having also
Signified to me that at the time you delivered such Belt you
told him that One Daniel Cresap who lives on Potomack in
this Province had sent you word by some of your Warriors
last Spring that if I would order him to keep a Store there he
would provide every thing for the Warriors who shall pass
and repass that way and that you desired he might be allowed
to do so and to receive any Message and that your Warriors
may pass and repass thro this Province without Molestation
I have thereupon wrote to M^r Cresap recommending it to him
to Supply any of your Warriors that may have occasion to
pass or repass thro this Province and by his House with such
Provisions as they may want for which he will I expect be
paid by your Brethren the Inhabitants of this Province and I
have also recommended it to him in case any of your People
shall choose to trade with him to procure and keep at his
House such goods as he supposes they may want and be willing
to purchase. As the Inhabitants of this Province have always
retained a true regard for their Brethren of the Six Nations
tho by reason of our being at so great a Distance and almost

Surrounded by Virginia and Pennsylvania there has not been much intercourse between you and Us You may be assured that Your Warriors will not meet with any Molestation or Interruption as they pass or repass thro this Province while they themselves behave peaceably and as Brethren which I hope they will always do.

Lib. J. R.
& U. S.

Horatio Sharpe

Annapolis in Maryland
28th March 1763.

Ordered that the Clerk of this Board Send the following Letter to M^r Daniel Cresap

P. 350

Sir

Governor Hamilton having sent His Excellency an Extract of a Speech which was delivered at the Lancaster Treaty Last Summer by some Indians of the Six Nations wherein they mention Something that you had told those of their Warriors who went Last Year to the Southward thro this Province, I am directed by his Excellency in Council to send you a Copy of such Extract and at the Same time to Signify to you that he approves of your keeping a Store to Supply such parties of those Indians as may call on you with the goods they may want which His Excellency hopes you will Sell them on the most moderate Terms, and in case either you or your Father should furnish any of those Indians as they shall pass and repass with Provisions he will on your Accounts being Produced recommend it the Assembly to make you Satisfaction for what you may so deliver or expend on that Account

Annapolis

6th April 1763.

To

I am S^r y^{rs} &c
M^r Daniel Cresap

Read the Report of the Justices of S^t Marys County Court whereby it appears they had Passed Sentence of Death upon Negro Adam Slave of Captain Robert Chesley upon two Indictments One for advising and Consulting to Murder his Master the said Robert Chesley, the Other for advising consulting and attempting to burn his Storehouse Ordered Dead Warrant for the Execution of the said Negro Adam on Wednesday the 8th of April next.

At a Council held at the City of Annapolis on Wednesday
18th March 1763.

Present

His Excellency Horatio Sharpe Esq^r Governor
Benjamin Tasker John Ridout Esquires

Lib. J. R. Ordered the present General Assembly which stands pro-
& U. S. rogued to 11th June be further Prorogued to the first day of
October next and Proclamations issued Accordingly

At a Council held at the City of Annapolis on the 7th of
June 1763

Present

His Excellency Horatio Sharpe Esq^r Governor
Benjamin Tasker Stephen Bordley John Ridout Esquires.

7 June 1763.

p. 351 Sir

I am commanded to transmit to you the inclosed Copy of a Letter you sent the Governor this Day, which you are desired to communicate to the Inhabitants of your County that they may be upon their Guard, and you must caution them against molesting any Indians that may come into or approach your County unless they should be attacked by them.

I am your Humble servant
John Ross.

May it please your Excellency Old Town May 1763.

On Saturday the 14th instant a Party of between 70 and 80 of the Six Nation Indian Warriors, came here, with a pass from Cap^t Ourry and Col^o Croghan, and a Letter from the latter, desiring me to give those Indians a Pass, After I had read the Letter and put it my Pocket they asked me for some Powder, Lead, Knives, Halfthicks, Paint, and Tobacco, I told them I had none, at which they seemed to look very angry, and after discoursing among themselves in their own Language, they said M^r Croghan had told them, that he had wrote to me, in that Letter, to give them the several things above mentioned, I answered I had no goods at all, they still doubting my telling them true, I sent for an Interpreter, (M^r John Walker) to interpret the Letter to them, a Copy of which is inclosed, These Indians say that some time last Summer, at a Treaty with their Brother Onas (the Governor of Pennsylvania) at Philadelphia, they desired him to acquaint their Brother Toheryhogan, meaning your Excellency) that it was their request, you would order them to be furnished, as before mentioned, with Victuals and the goods mentioned above, and that their Brother Onas, and the great men, did then promise they would Communicate this their request to your Excellency, which they find has not been Complied with, therefore they desired me to write to you in their behalfs, which at their

request I did, and now inclose it, and they Expect on their return some thing will be here for them, as they are vastly poor and naked, Lib. J. R. & U. S.

I find by their discourse, that as I formerly when I kept Store here, before the War, used to give them a few necessities as they passed and repassed, and not keeping any Store now nor giving them any thing now except Victuals, some evil minded Persons has informed them that I was Paid for every thing I gave them, therefore they expect it, as usual, As to any hope that I can have of the Assembly Paying me for any thing I give them it is but small, when they have so often refused, If I cannot be paid here, I will apply at Home (as I intend there) where I doubt not I shall have Justice

I am

Your Excellencys Most Obedient Serv^t

P. S. This is the fourth Company } Thomas Cresap.
since Christmas Last, that has
been here, and daily expect more. }

Belfield May the 5th 1763. p. 352

Dear Sir

The Bearers of this letter desired I would Recommend them to you as they are going to War against their Natural Enemies the Southern Indians that you would give them a Pass to go through Virginia, and Recommend them to the Peoples Hospitality, And as the War between the Northern and Southern Indians May Imploy those restless Savages against each other if the province would allow them some little Provisions as they Pass and Cross their Frontiers I am of Opinion it would answer a good End.

To conclude with my Compliments to you & yours

To Geo: Croghan.
Col^o Thomas Cresap, at the Old Town

Old Town Frederick County May 15th 1763

Brother Tokeryhogan.

At a Treaty held at Philadelphia in 1762, We desired we might be furnished with Provisions, Powder, Lead, Paint, Tobacco and a few Knives, as We Pass through the Frontiers of this Province, to and from War, and requested these Necessaries might be delivered to us by Col^o Thomas Cresap, or his Son Daniel, at this place, which is in our Road as we go and come, this was promised to us by the great men at the said Treaty, and we doubted not their performance of that Promise; but now we are come here we find nothing but what said

Lib. J. R. Cresap has given us on his own Account viz^t some victuals,
& U. S. a few Knives and some Tobacco, Therefore We desire our
request may be complied with, which will prevent our taking
any thing from the Poor Inhabitants.

Teowagawy
Cuttowygo
Tuthe haya.

This Certifies that the above Letter was wrote at the Re-
quest of the above three Capt^s the former of whom has made
his Mark hereto.

To
His Excellency Horatio Sharpe Esq^r }
Governor of Maryland }

his
John W Walker
mark

S. S. Welder.

p. 353 Sir

The inclosed is a Copy of a Message the Governor sent the
Six Nations of Indians in March 1762 which in case the
party of Indians at whose Instance you wrote to his Excel-
lency the 17. Day of May last should call on you when they
return from the Southward you are desired to deliver them
that they may be able to judge of the Governor good Intentions
towards them

To
Col^o Thomas Cresap.

I am your hble Serv^t John Ross.

Brethren of the Six Nations.

The Governor of Pennsylvania having sent me a Belt which
you gave him for the Governor of Maryland at the Treaty you
held with him last Summer at Lancaster and having also
Signified to me that at the time you delivered such Belt You
told him that One Daniel Cresap who lives on Potomack in
this Province had sent you word by some of your Warriors
last Spring that if I would order him to keep a Store there he
would provide every thing for the Warriors who should pass
and repass that way and that you desired he might be allowed
to do so and to receive any Messages and that your Warriors
may pass and repass thro this Province without Molestation
I have thereupon wrote to M^r Cresap recommending it to him
to Supply any of Your Warriors that may have occasion to
pass or repass thro this Province and Near his House with
such provisions as they may want for which he will I expect
be paid by Your Brethren the Inhabitants of this Province
and I have also recommended it to him in case any of your
People shall choose to trade with him to procure and keep.

at his House such Goods as he supposes they may want and be willing to purchase, as the Inhabitants of this Province have always retained a true regard for their Brethren of the Six Nations tho by Reason of our being at so great a Distance, and almost Surrounded by Virginia and Pennsylvania there has not been much Intercourse between you and Us You may be assured that your Warriors will not meet with any Molestation or Interruption as they pass or repass thro this Province while they themselves behave peaceably and as Brethren which I hope they will always do.

Annapolis in Maryland
28th of March 1763.

Horatio Sharpe

Lib. J. R.
& U. S.

At a Council held at the City of Annapolis on Monday 5th p. 354
July 1763.

Present

His Excellency Horatio Sharpe Esquire Governor
Benjamin Tasker Stephen Bordley John Ridout Esquires
Read the following letter from General Amherst

New York 20th of June 1763,

Sir

You no doubt will have heard of the Perfidious Behaviour of the Indians in the upper Country, and of their having not only Murdered some of the Traders, but Even Invested the Post at the detroit, p Fort Pitt, altho I trust and firmly Rely, they Can make no Impression on Either of those Posts. Immediately on the first Intelligence of their Bad Designs, I took the necessary steps for Collecting together all the small force of Regulars at this Place, that I might be ready to push them forwards for the Protection of the upper Posts, and since I have learnt that the Savages seem Determined to follow their Blow, I have Ordered Every man I could Collect Either to Fort Pitt, or Niagara; and I trust they will Arrive in time to Check the Depredations of those perfidious Barbarians; but I think it necessary to give you this notice, as the Indians in General seem to be Concerned, more or less, in the Plot, and that you may make such Applications as you may Judge best to your Council and Assembly, for Raising with the Utmost dispatch, such a Body of men as may be Sufficient for Protecting the Frontiers of your Own Province.

I am with great Regard your Most Obedient hble Serv^t

To
His Excellency Governor Sharpe }

Jeff: Amherst

Lib. J. R.
& U. S.
p. 355

Sir

Annapolis 5th July 1763

Some late Proceedings of the Delawares and other Indians having afforded too much room for a Suspicion that they will again Commit hostilities on the Frontier Inhabitants of this and the Neighbouring Provinces it is highly Proper and expedient that the Militia under your Command should be well provided with arms and Ammunition and that the Officers in whose Companies those People are enrolled who live to the Westward of the South Mountain in particular should have Instructions to muster their Companies frequently, to assign Alarm Posts for their respective Companies & to order the Men to repair Armed to such Posts without Delay in case any Indians should be Discovered within your County or near the Limits of it, That the Inhabitants may be frequently Mustered and examined in Arms without putting them to great inconvenience I recommend it to you to form the Men liable to serve in that part of your County into small Companies and if there are not a Sufficient Number of Officers already appointed I Desire you will immediately send me the Names of such Persons in that part of your County as you think best Qualified to Command the rest either as Captains or Subaltons that Commissions may be made out for them and sent to You, If any Indians should come in a hostile manner into your County you are immediately to order a Company or Detachment of your Militia to march in order to oppose them to protect the Frontier Inhabitants and Defend Fort Frederick in which case you will furnish such Company or Detachment with Ammunition and call upon One of the Press Masters of your County to impress in pursuance of my warrant such provisions as they may want during the time they shall continue on duty and that the Persons from whom Provisions shall be so taken as well as the Militia whom you shall order into actual service may at the next Laying of the publick Levy paid in the manner prescribed by the Militia Laws you will direct the Officers to keep a particular Account of what the Press master shall supply them with as well as an exact Roll of the men who shall serve under their Command specifying the Rank of each and the time of their being in actual service. Presuming that many of the People who live beyond Fort Frederick will in Case of an Alarm repair to that Fort for Security I have wrote to Doctor Heinzman to whose Care the Keys of the Fort were Committed to admit them into it on Condition that they do not in any respect injure the Buildings and that they observe all such orders & Regulations as he with your Approbation shall think fit to establish as well for the

defence of the Fort as the Preservation of Order and Quietness among themselves I have also directed him to have all the Arms which were lately brought down to Conegocheague repaired and Carried back to the Fort lest many of the People who may retreat thither should come unprovided with Arms and by that means be unable in Case of Necessity to assist in defending the place. Persuaded that you will pay due regard to these Instructions and take every Proper step for the protection of the Frontier Inhabitants agreeable to the Power with which by your Commⁿ You are invested,

Lib. J. R.
& U. S.
p. 356

I am your very humble Servant

To Col^o Tho^s Prather Commander Horatio Sharpe.
in Chief of the Militia of Frederick Cot^y

Sir

If any of the People who live or have dwelt in this Province Westward of Fort Frederick or near that Fort shall be alarmed by the Accounts which lately have been or may be received of the Indians hostile Proceedings and fly to Fort Frederick for Security you are to suffer such Persons to have access to and reside there, they bringing Provisions with them as long as they should Choose to do so, on Condition that they do not in any way injure or endanger the buildings within the Fort and that they will also observe such orders and regulations as you with the Approbation of Col^o Thomas Prather Commander in Chief of the Militia of Frederick County shall make or give them, least the Inhabitants in the Neighbourhood of Fort Frederick who may on any Alarm repair thither should not be provided with Arms you may get all the Publick Arms which you lately sent from the Fort to Conegocheague repaired and Carried back again thither for the defence of the Fort and by the first Waggon that shall be returning from this City to Frederick County some Ammunition shall be sent to you for the same Purpose but not to be delivered out by you to any Persons except those who you are persuaded will defend themselves and Use it only in case of their being attacked by an Enemy, and I recommend it to you should you think it necessary on any Occasion to deliver such Arms and Ammunition to any Persons for the Purposes above mentioned to require from them receipts for the same to be on Occasion if called for produced by you as Vouchers to shew how the Ammunition and Arms have been disposed of. Should the Indians Commit any Murders or Acts of hostility within your County between Fort Cumberland and Fort Frederick I desire you will immediately send Col^o Prather Notice thereof that he may give such orders to any part of the Militia

Lib. J. R. under his Command as he shall think Expedient to prevent
& U. S. farther hostilities and to preserve the frontier Inhabitants in
p. 357 Measures as you shall think best for the defence of the Fort
and Protection of that Neighbourhood
Annapolis 5th July 1763.

To
Doctor Henry Heinzman } I am Sir
at Fort Frederick } Your hble Servant
Horatio Sharpe.

Read Robert Heron's Letter to the Governor and Ordered
the Clerk of this Board to send him the following Answer,
Annapolis 6th July 1763.

Sir

The Governor directs me to inform you in Answer to your
letter of the 21st of last Month that there are no words in any
Articles of Agreement entered into by the Lord Baltimore and
the Proprietors of Pensylvania which can be Constured to
affect the Office which you enjoy in his Majesty's Customs or
to abridge or restrain your Jurisdiction, so that If the Owners
of any Vessels built or Coming into your district should (on
pretence of any thing that has been done by the Commis-
sioners who were appointed to run divisional Lines) refuse
or neglect to pay the same regard as they have usually paid to
the Acts of Trade and to you as Collector of Pocomoke, he
presumes you will exercise the Authority you are vested with
in such a manner as might put an entire stop to such attempts
as you seem to expect will be made by the Inhabitants of Pen-
sylvania Trading up Nanticoke or any other part of your
District

To I am your very Humble Servant
Robert Heron Esq^r Collector of } John Ross.
His Majesty's Customs in Pocomoke }
District.

Read the Report of the Justices of Charles County Court
whereby it appears they had passed sentence of Death upon
Negro Charles Slave of One Margaret Brown of Charles
County for a Felony, and likewise a Letter from the Justices
recommending him the said Negro Charles to the Governor
for Mercy, Ordered pardon issue for the said Negro.

p. 358 At a Council held at the City of Annapolis Tuesday 26th
July 1763.

Present

His Excellency Horatio Sharpe Esquire Governor
Daniel Dulany, Benjamin Tasker, Stephen Bordley Es-
quires.

Whitehall March the 26th 1763

Lib. J. R.
& U. S.

Sir

His Majesty having been pleased to order the Peace to be Proclaimed in the usual manner, on Tuesday last, I have the King's Commands to transmit to you herewith inclosed the Proclamation issued on that Occasion, and am to signify to you His Pleasure, that you Cause the same to be Published in all the Proper Places within your Government, To the End, that all His Majesty's trading Subjects do take notice of His Royal Will and Pleasure therein, and conform themselves thereto accordingly.

I am with great Truth & Regard

Sir

Your Most Obedient hble Servant
Egremont

By the King

A Proclamation.

George R.

Whereas a Definitive Treaty of Peace and Friendship between Us and the most Christian King, and the King of Spain, to which the King of Portugal hath acceded, hath been concluded at Paris, on the Tenth Day of February last and the Ratifications thereof have been exchanged upon the Tenth Day of This Instant March: In Conformaty thereunto, We have thought fit hereby to Command, that the same be Published throughout all Our Dominions: And we do declare to all Our loving Subjects Our Will and Pleasure, That the said Treaty of Peace and Friendship be Observed inviolably, as well by Sea as Land, and in all places whatsoever; Strictly charging and Commanding all Our loving Subjects to take Notice hereof, and to conform themselves thereunto accordingly,

Given at Our Court at S^t James's, the Twenty first Day of March, One Thousand Seven hundred and Sixty Three, in the Third year of Our Reign p. 359

God Save the King,

By His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation.

Whereas I have received His Majesty's Proclamation of Peace, Given at S^t James's the Twenty first Day of March One Thousand Seven Hundred and Sixty Three, In the Third Year of His Majesty's Reign a Copy whereof is hereunto annexed, as also a letter from the Right honourable the Earl of Egremont, One of His Majesty's Principal Secretaries of

Lib. J. R. State Signifying that it is His Majesty's Pleasure, I should
& U. S. cause the said Proclamation to be Published in all the Proper
Places under my Government:

I have therefore thought fit, with the advice of his Lordships Council of State to Publish this my Proclamation, notifying the same to all his Majesty's Subjects, and Strictly charging requiring the Several Sheriffs of the Respective Counties of this Province at the most usual Publick Places in their Said Counties, as soon as Conveniently may be with all Solemnity possible to publish the same; and I do hereby further will and require the Several Sheriffs of this Province to give notice to the Magistrates of their respective Counties as soon as Possible, to meet and appoint a Day for Publishing his Majesty's said Proclamation, And I do hereby Command the Several Sheriffs, and all others his Lordship's Officers both Civil and Military as also the Militia in the Respective Counties, to attend in the handsomest Manner, at the time so appointed for performing the Same,

Given at the City of Annapolis this Twenty Sixth Day of July, in the Thirteenth year of His Lordships Dominion, Annoq Domini, 1763,

Horatio Sharpe

John Ross Clk, Con:

God Save the King.

His Excellency is pleased to lay before this board the following letter

Whitehall April 29th 1763.

Sir

The King having judged it proper that a publick thanksgiving to Almighty God should be Observed throughout all His Majesty's Colonies in America on the happy Conclusion of the Peace; We have received His Majesty's Commands to
p. 360 Signify to you His Royal Pleasure that you do, upon Receipt of this Letter, appoint a proper and early Day of Thanksgiving to be Observed by all His Majesty's Good Subjects under your Government, in such manner and with such Forms of Prayer as have been usual on like Occasions,

We are

Sir

Your most obedient
Humble Servant

Orwell

Shelburn

Soame Jenyns

Geo: Bacon

} John Yorke

} Geo: Rice

} Bamber Gascoyne

To

His Excellency Horatio Esq^r }
Deputy Governor of Maryland }

By His Excellency Horatio Sharpe Esq^r Governor and Lib. J. R.
Commander in Chief in and over the Province of Maryland. & U. S.

A Proclamation.

for a Day of Public Thanksgiving

Whereas Our most Gracious Sovereign, judging it proper that a public Thanksgiving to Almighty God, should be observed by all His good Subjects, Throughout His extensive Dominions, for the Blessings of Peace, Between, Great Britain, France, and Spain, lately restored, hath caused his pleasure to be Signified to me, by a Letter from the Right Honourable the Lords Commissioners for Trade and Plantations: in Obedience therefore to His Majesty's Commands, and that all His Loyal and good Subjects within this Province, may have an Opportunity of Expressing, in a public and Solemn Manner, their Thankfulness for the Happy Conclusion of Peace, between His Majesty Our most gracious Sovereign, and the Most Christian and Catholick Kings, and of Adoring with humble and gratefull Hearts, the Divine Goodness which makes Wars to cease:

I Do by the advice of his Lordship's Council of State, appoint Tuesday the Twenty third Day of August next, to be set apart, and Observed throughout this Province, as a Day of public praise and thanksgiving; and I do hereby recommend it to the Several Ministers of the Gospel within this Province, to Compose proper Addresses to the Divine Majesty, to be used in their Respective Churches and Chapels on that Day, and likewise Sermons Suitable to the Occasion; and I moreover require all such Ministers to publish this my Proclamation in their Several Congregations, during the time of Divine Service, on the Sunday next preceeding the said Day of Thanksgiving. p. 361

Given at the City of Annapolis This Twenty sixth Day of July, in the Thirteenth year of His Lordship's Dominion, Annoq Domini 1763.

John Ross Clk. Con.

Horatio Sharpe.

God Save the King.

To The Kings most Excellent Majesty

The humble Address of the Lieutenant Governor and Council of the Province of Maryland.

Permit Us most Gracious Sovereign with all humility to offer Our most cordial Congratulations on the happy Completion of your Majesty's benevolent and early Desire the Re-establishment of Peace, and to express Our grateful Sense of the Benefits We with the Rest of Our Subjects derive from

Lib. J. R. this fresh Instance of Your Majesty's paternal Regard and
& U. S. invariable attention to the Common Interests of Your extensive Dominions,

The unexampled Success that in the Course of the late necessary War hath attended the British Arms can alone be equalled by the Wisdom of Your Councils in the establishment of a Peace which hath not only effectually attained the Object of that War, the Security of these Colonies but by a vast accession of Territory to the British Empire hath opened new and inexhaustible Sources of National Wealth and Secured to your Majesty's Subjects the solid advantages of a diffusive commerce. Happy in the prospect of enjoying the Blessings of such a Peace under Your benign and auspicious Government We most ardently pray that your Majesty together with your Royal Consort may be blessed during a very long and peaceable reign with uninterrupted Felicity, and while your Subjects reap the Fruits of your glorious victories and wise Resolutions may the Best of Kings meet with the grateful Retribution of Steady Loyalty and Sincere Affection from a flourishing and happy People,

[Lease of Maryland]

p. 362 This Indenture made the Thirtieth day of January in the first year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and in the year of our Lord One Thousand Seven hundred and Sixty One Between The Right Honourable Frederick Lord Baltimore Baron of Baltimore in the Kingdom of Ireland Lord Proprietor of the Province of Maryland and Avalon in America and the Honourable Cecilius Calvert Esquire Uncle to the said Frederick Lord Baltimore of the One part and the Honourable Thomas Bennett Esquire Brother of the Right Honourable the Earl of Tankerville and William Sharpe of the Parish of Saint James Westminster Esquire One of the Clerks of His Majesty's most Honourable Privy Council of the other part:

Witnesseth that they the said Frederick Lord Baltimore and Cecilius Calvert for and in Consideration of the Sum of Five Shillings of Lawfull Money of Great Britain to them in Hand well and truly paid by the said Thomas Bennett and William Sharpe at and Before the Ensealing and Delivery of these Presents Do and each of them Doth Bargain and Sell unto the said Thomas Bennett and William Sharpe their Executors Administrators and Assigns All that the Country Province Lordship Territory District or Tract of Land called Maryland in America and all the Islands Creeks Havens Ports

Harbours Dependencies Manors Land Tenements Hereditaments Mines Quarries Quit Rents Customs Imposts Fines Forfeitures Alienations Escheats Profits Powers Jurisdictions Prerogatives Royalties Priviledges Franchises Immunities Emoluments Advantages Rights Members and Appurt's whatsoever to the said Country Province Lordship Territory or Tract of Land called Maryland or to any Part or Parts thereof belonging incident or Appertaining Accepted Reputed Deem'd taken or known as part parcel or Member thereof or of any part thereof or therewith Used And also all Tonnage of Ships port and other Duties Impositions yearly and other Sum or Sums of Money in any wise arising due or Payable by or from any Planter or Planters Merchant or Merchants or other Person or Persons whatsoever for out or in respect of any Plantations Lands Tenements or Hereditaments in the said Province or any Tobacco or other Merchandizes Goods or Commodities there from time to time Growing or being or which shall be Landed there or Shipped or Exported out of the same or any part thereof to Great Britain or any other place or places whatsoever or any otherwise howsoever arising or payable and all other the Manors Lands Tenements Heredit and Premisses with the Appurtenances which in and by Letters patent, bearing date the Twentieth day of June in the Eighth year of the Reign of His Majesty King Charles the First were granted to Cecil Lord Baron of Baltimore or intended so to be with their and every of their Appurtenances and all other the Manors Lands Tenements and Hereditaments whatsoever of them the said Frederick Lord Baltimore and Cecilius Calvert and each of them Situate lying and being or Increasing Growing or Renewing or to be had received or taken in within upon or out of the said Province of Maryland or Else where in America And the Reversion and Reversions Remainder and Remainders Rents Issues and Proffits of all and Singular the Premisses herein before mentioned to be hereby Bargained and sold or Intended so to be and of every part and parcell thereof with their and every of their Rights Members and Appurtenances, To Have and To Hold the said Province Lordship Territory District or Tract of Land called Maryland and all and Singular other the Premisses herein before mentioned to be hereby Bargained and Sold or intended so to be with their and every of their Rights Members and Appurtenances unto the said Thomas Bennett and William Sharpe their Executors Administrators and Assigns for and during and unto the full End and Term of One whole year to Commence from the day next before the day of the Date hereof fully to be Compleat and Ended Yielding and Paying

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Lib. J. R. therefore the Rent of One pepper Corn only on the last day of
& U. S. the said Term if the same shall be Lawfully Demanded To the
Intent that by Virtue of these presents and of the Statute for
Transferring of uses into possession the said Thomas Ben-
nett and William Sharpe may be in the Annual Possession of
all the said Premisses and be thereby Enabled to take a grant
or Release of the Inheritance thereof to them and their Heirs
to such Uses Trusts Intents and purposes as in and by One
Indenture Tripartite of Release Intended to bear date the day
next after the day of the date hereof and to be made between
the said Frederick Lord Baltimore of the first part the said
Cecilius Calvert of the second part the said Thomas Bennett
and the said William Sharpe of the Third part are Intended to
be Expressed In

Witness whereof the said parties to these presents have
hereunto Interchangeably set their Hands and Seals the day
and year first above Written

F. [Seal] Baltimore Cecil^s [Seal] Calvert

Acknowledged by the within named Frederick Lord Balti-
more and the Honourable Cecilius Calvert Esq^r this 3^d day of
February 1761 Before me

Tho^s Lane

Sealed and Delivered (being first duly Stamp^t) in the
presence of

Hugh Hamersley
Giles Hitchcock
Rich^d Gilbert.

p. 364 On the back of the foregoing Deed is thus Endorsed

The Right Honourable Lord Baltimore and others	} Lease for a year.
to	
The Honourable Thomas Bennett and others	

Inrolled in His Mapesty's High Court of Chancery the
fourth day of February in the year of our Lord 1761, being
first duly Stamp^t according to the Tenor of the Statute made
in the Sixth year of the Reign of their late Majesties King
William and Queen Mary.

By Geo: Eckerrall

[Deed of Settlement]

This Indenture Tripartite made the Thirty first day of
January in the First year of the Reign of Our Sovereign Lord
George the Third by the Grace of God of Great Britain France
and Ireland King Defender of the Faith and so forth And in

the year of Our Lord One Thousand Seven hundred and Sixty One Between The Right Honourable Frederick Lord Baltimore Baron of Baltimore in the Kingdom of Ireland Lord Proprietor of the Provinces of Maryland and Avalon in America of the first part The Honourable Cecilius Calvert Esquire Uncle to the said Frederick Lord Baltimore of the Second part and the Honourable Thomas Bennett Esquire Brother of the Right Honourable the Earl of Tankerville and William Sharpe of the parish of Saint James Westminster Esquire One of the Clerks of his Majesty's most Honble Privy Council of the Third part Whereas by Indenture of Six parts bearing date the ninth day of March in the year of our Lord One Thousand Seven hundred and Fifty three made or mentioned to be made between the said Frederick Lord Baltimore of the First Part the said Cecilius Calvert of the second part Richard Littleton of Cavendish Square in the Parish of Saint Mary Le Bone in the County of Middlesex Esq^r now Sir Richard Lyttleton Knight of the most Honourable Order of the Bath and Rachael His Wife by the Stile Title and Description of the most Noble Rachael Duchess Dowager of Bridgewater Widow and Relict and also Executrix with others of the last Will of the most Noble Scroop Duke of Bridgewater some time since Deceased of the third part the Right Honourable Lady Diana late Wife of the said Frederick Lord Baltimore by her then Name and Description of the Right Honourable Lady Diana Egerton one of the Daughters of the said Scroop Duke of Bridgewater by the said Rachael Duchess of Bridgewater then an Infant under the Age of Twenty One years of the Fourth Part The most noble Charles Duke of Grafton Since deceased The Right Honourable William Earl of Jersey and The Honourable and Reverend John Egerton then Dean of Hereford and now Lord Bishop of Bangor of the Fifth part And the Right Honourable William Lord Cavendish commonly called Marquiss of Hartington now the most Noble William Duke of Devonshire and the Right Honourable Arthur Onslow Esquire Speaker of the House of Commons and one of his Majesty's most Honourable Privy Council James Booth of Lincoln's Inn in the County of Middlesex Esquire and John Sharpe of Lincoln's Inn aforesaid Esquire since deceased of the Sixth Part Reciting (amongst other things) that Overtures had been made for a Marriage to be Solemnized Between the said Frederick Lord Baltimore and the said Lady Diana Egerton And that by and under the Limitations Contained in the Marriage Settlement of the Right Honourable Charles late Lord Baltimore Father of the said Frederick Lord Baltimore therein mentioned to be dated

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the Eleventh day of July in the year of our Lord One Thousand seven hundred and Thirty and to have been made upon his Marriage with Mary the Daughter of Sir Theodore Jansen Knight and Baronet since deceased and then and now Baroness Dowager of Baltimore or by & under the Limitations contained in a former Settlement therein mentioned to have been made on the marriage of the Honourable Benedict Leonard Calvert Grandfather of the said Frederick Lord Baltimore with the Lady Charlotte Lee and to bear date the Thirty first day of December One thousand Six hundred and Ninety Eight the said Frederick Lord Baltimore either as first Son of the said Charles late Lord Baltimore by the said Mary now Baroness Dowager of Baltimore or as Issue Male of the Body of the said Benedict Leonard Calvert by the said Lady Charlotte Lee was Seized or Intitled to Him and the Heirs Male of His Body with Remainder to His Uncle the said Cecilius Calvert in Tail Male of in and to all that the Province Lordship Territory Tract or District of Land called Maryland in America with all and every the Dependencies Priviledges Royalties Rights Members and Appurtenances thereunto belonging as the same were therefore Granted to the Right Honourable Cecil Calvert Baron of Baltimore and to His Heirs and Assigns by His late Majesty King Charles the First by His Letters Patent under the Great Seal of England therein mentioned at and under the yearly Rents and Services therein Expressed And that the said Premisses Charged and Chargeable Nevertheless Together with the Manor of Horten and Certain Messuages Lands Tenements and Hereditaments in the County of Surry with the Payment of the yearly Sum or Rent Charge of Eight Hundred Pounds to the said Mary Baroness Dowager of Baltimore during Her Life were Subjected and made liable to the Raising of two Principal Sums of five Thousand pounds Each for the Portions of Louisa Calvert and Caroline Calvert the Two Sisters of the said Frederick Lord Baltimore payable at the times therein Mentioned And also Reciting that the said Frederick Lord Baltimore had in Consideration of the Portion of the said Lady Diana Egerton proposed to Secure in the manner therein mentioned the Annual Sum of Two Thousand Pounds a year to take Effect on the Death of Him the said Frederick Lord Baltimore and to be payable to the said Lady Diana and Her Assigns for her Life and to Settle and Assure the said Province or Territory of Maryland so and in such Manner as that the same (Subject to and Charged with the Payment of the said Annual Sum of Two Thousand Pounds to the said Lady Diana Egerton for her Life Should go and Remain to

and to the use of the said Frederick Lord Baltimore for his Life and after his Decease to the Use of the First and other Son and Sons of the said Intended Marriage Successively in Tail Male with such Remainders over as therein after are Expressed And that he the said Frederick Lord Baltimore had proposed to Enter into Covenants whereby to Oblige himself to do all Acts and things therein Mentioned to Enable him to Settle the said Province (Subject to the said Rent Charge of Two thousand Pounds) to the Uses and under the Powers therein mentioned and Reciting that the said Several Offers Terms and Proposals of the said Frederick Lord Baltimore And been Approved of and that therefore it was agreed that said Intended Marriage should Immediately take Effect It was Witnessed that in Consideration of the said Intended Marriage and for other the Considerations therein Mentioned the said Frederick Lord Baltimore and Cecilius Calvert Did thereby for themselves Severally and Respectively and for their Several and Respective Heirs Executors and Administrators Covenant Promise and agree to and with the said William Marquiss of Hartington now Duke of Devonshire John Egerton now Lord Bishop of Bangor James Booth and John Sharpe their Executors Administrators and Assigns in Case the said Intended Marriage should take Effect at all times thereafter to perform and Execute all such Acts, Matters and things as Council Should Advise to be Necessary for the Settling and Assuring the said Province Lordship Territory or Tract of Land called Maryland with its Appurtenances to the Several Uses and for the Benefit of the Several Persons and in such manner as therein and herein after is mentioned (that is to say) To the Use of the said Frederick Lord Baltimore and his Assigns for the Term of His Natural Life without Impeachment of Waste Remainder to Trustees and their Heirs during his Life to Preserve Contingent Remainders with Remainder to the Intent that the said Annual Sum of Two Thousand Pounds might be Issuing out of the said Province and Territory and to be paid to the said Lady Diana during her life with Remainder to the said William Marquiss of Hartington Arthur Onslow and John Egerton their Executors Administrators and Assigns for the Term of Two Hundred years upon Trust for the better Securing the due Payment of the Annual Sum of Two Thousand Pounds to the said Lady Diana Egerton for her Life with Remainder to the First and other Son and Sons of the said Frederick Lord Baltimore Successively in Tail Male Remainder to the said Cecilius Calvert for his Life without Impeachment of Waste Remainder to Trustees and their Heirs during his Life in Trust to Preserve

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Lib. J. R. Contingent Remainders with Remainder to the first and other
 & U. S. Son and Sons of the said Cecilius Calvert Lawfully to be be-
 gotten Successively in Tail Male with Remainder to the Use
 of such Person and Persons and for such Estate and Estates
 as the said Frederick Lord Baltimore should at any time and
 from time to time by any Deed or Instrument in Writing with
 or without Power of Revocation to be Sealed and Delivered by
 him in the Presence of two or more Credible Witnesses or by
 or by his last Will and Testament in Writing or any Instru-
 ment Purporting to be his last Will and Testament to be
 Signed by him in the Presence of and to be Attested by three
 or more Credible Witnesses Direct or Appoint And in De-
 fault of such direction or Appointment and Subject to any
 such Direction or Appointment as should be so made in Case
 the whole of the Premises should not be Comprized therein
 to the Use of such Persons and for such Estates and with
 such Remainders over as the Reversion of the said Premises
 stood Limited to and Divided by the last Will and Testament
 of the said Charles Lord Baltimore Father of the said Fred-
 erick Lord Baltimore Subject Nevertheless to such Powers
 and Authorities as therein Mentioned and Particularly a
 Power to Enable the said Frederick Lord Baltimore to make a
 Provision or Jointure by way of Rent Charge or otherwise on
 a Second or any other Wife for her Life not Exceeding Two
 Thousand Pounds a year to take Effect from his Decease and
 also a Power to Enable him to Charge the same Premises
 with any sum not Exceeding the Principal Sum of Twenty
 Thousand Pounds for any Intent or Purpose whatsoever with
 a like Power to Enable the said Cecilius Calvert when and as
 he should be in Possession of the Premises by Virtue of the
 Limitations aforesaid to make a Like Provision out of the
 Premises for the Benefit of any Woman with whom he
 might Intermarry not Exceeding Two Thousand Pounds by
 the year to take Effect after his Decease And also to Enable
 him to Charge the Premises with any Sum not Exceeding
 Twenty Thousand Pounds and Interest (but which Power he
 was only to be Enabled to Execute for the Purpose of making
 a provision for his younger Sons or Daughters and not for
 any other Purpose whatsoever) As in and by the said Inpart
 Recited Indenture Relation thereunto being had may Appear
 And Whereas the said Marriage between the said Frederick
 Lord Baltimore and the said Lady Diana Egerton soon after
 took Effect and the said Lady Diana Egerton Lady Baltimore
 died without leaving any Issue by the said Frederick Lord
 Baltimore Living at her Death Now this Indenture Witnes-
 seth that in Pursuance of the said herein before Recited

Indenture and in Performance and Execution of such of the
Covenants and Agreements therein Contained as are now in
force or Remain to be done Executed and Performed and for
Docking Barring Destroying and Extinguishing all Estates
Tail and all Remainders and Reversions Dependant or Ex-
pectant thereon and all other Estates whatsoever of and in the
said Province Lordship Territory Tract or District of Land
called Maryland and all other the Lands and Hereditaments
hereinafter Particularly Mentioned with their and every of
their Rights Royalties Priviledges Members Jurisdictions &
Appurtenances and for Settling and Assuring the same Prem-
isses To the Several Uses upon the several Trusts for the
Several Intents and Purposes and with and under the Several
Powers Provisoos Limitations and Agreements hereinafter
Limited Expressed Declared and Contained Concerning the
same And for and in Consideration of the Sum of Ten shil-
lings apiece of Lawfull Money of Great Britain to Each of
them the said Frederick Lord Baltimore and Cecilius Calvert
by the said Thomas Bennett and William Sharpe at or before
the Execution of these Presents in hand paid the Receipt
whereof is hereby Acknowledged, and for divers other good
Causes and Valuable Considerations the said Frederick Lord
Baltimore and Cecilius Calvert hereunto moving They the
said Frederick Lord Baltimore and Cecilius Calvert have and
each of them hath granted Bargained Sold Aliened Released
and Confirmed and by this Present Instrument in writing by
them and each of them Sealed and Delivered in the Presence
of and Attested by Three Credible Persons whose names are
Intended to be Indorsed hereon as witnesses to their Signing
and Sealing these Presents Do and each of them Doth grant
Bargain Sell Release and Confirm unto the said Thomas Ben-
nett and William Sharpe in their Actual Possession now being
by Virtue of a Bargain and Sale to them therefore made by
the said Frederick Lord Baltimore and Cecilius Calvert in
Consideration of Five Shillings by Indenture bearing date the
day next before the Day of the Date these presents for One
whole year Commencing from the Day next before the day of
the Date of the said Indenture of Bargain and Sale and by
Force of the Statute for Transferring uses into Possession
and their Heirs All that the Country Province Lordship Terri-
tory or Tract of Land called Maryland or to any part or parts
thereof Belonging Incident or Appertaining or Accepted Re-
puted Deemed taken or known as part parcel or Member
thereof or of any part thereof or therewith used And also all
Tonnage of Ships Port and other Duties Impositions yearly
and other Sum and Sums of Money in any wise Arising due or

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Lib. J. R. Payable by or from any Planter or Planters Merchant or
 & U. S. Merchants or other Person or Persons whatsoever for out or
 in Respect of any Plantations Lands Tenements or Heredita-
 ments in the said Province or any Tobacco or other Mer-
 chandizes Goods or Commodities there from time to time
 growing or being or which shall be Landed there or Shipped or
 Exported out of the same or any part thereof to Great Britain
 or any other place or places whatsoever or any otherwise
 howsoever arising or Payable and all other the Manors Lands
 Tenements Hereditaments and Premisses with the Appur-
 tenances which in and by the said Letters Patent Bearing date
 the Twentieth day of June in the Eighth year of the Reign of
 his said Majesty King Charles the First were granted to the
 said Cecil Lord Baron of Baltimore or Intended so to be with
 p. 369 their and every of their Appurtenances and all other the
 Manors Lands Tenements and Hereditaments whatsoever of
 Them the said Frederick Lord Baltimore and Cecilius Calvert
 and each of them Situate lying and being or Increasing grow-
 ing or Renewing or to be had Received or taken in within
 upon or out of the said Province of Maryland or Elsewhere in
 America And the Reversion or Reversions Remainder and
 Remainders Rents Issues and Profits of all and Singular the
 Premisses herein before Mentioned to be hereby granted and
 Released or Intended so to be and of every part and parcel
 thereof with their and every of their Rights Members and
 Appurtenances and all the Estate and Estates Right Title
 Property Use Trust Interest Possession Claim and Demand
 whatsoever both in Law and Equity of them the said Lord
 Baltimore and Cecilius Calvert and each of them of into and
 out of the same and every part and parcel thereof To have and
 To hold the said Province Lordship Territory District or
 Tract of Land called Maryland and all and Singular other the
 Premisses herein before Mentioned to be hereby granted and
 Released or Intended so to be with their and every of their
 Rights Members and Appurts unto the said Thomas Bennett
 and William Sharpe their Heirs and Assigns To the several
 Uses for the several Intents and Purposes upon the several
 Trusts and by with and under the several Limitations Pro-
 visoes Powers and Agreements herein after Limited De-
 clared Contained and Expressed of and Concerning the same
 that is to say To the Use of the said Frederick Lord Baltimore
 and His Assigns for and During the Term of his Natural
 Life without Impeachment of or for any manner of waste and
 with Power to Commit waste and with such other Powers
 Authorities Liberties and Priviledges as are herein after Men-
 tioned and Contained and from and immediately after the

Determination of that Estate by Forfeiture or otherwise in the Lifetime of the said Frederick Lord Baltimore To the Use of the said Thomas Bennett and William Sharpe and their Heirs during the Life of the said Frederick Lord Baltimore upon Trust Nevertheless to Preserve the Contingent Remainders and Estates hereinafter Limited from being barred defeated or destroyed and for that Purpose to make Entries and bring Actions as Occasion shall Require But Nevertheless to permit and suffer the said Frederick Lord Baltimore and his Assigns during his Life to Receive and take the Rents Issues and Profits thereof to his and their own Use And from and after the Decease of him the said Frederick Lord Baltimore To the Use of the first Son of the Body of the said Frederick Lord Baltimore Lawfully begotten or to be begotten and of the Heirs Male of the Body of such first Son Lawfully Issuing And for Default of such Issue To the Use of the Second third Fourth Fifth and all and every other Son and Sons of the Body of the said Frederick Lord Baltimore Lawfully begotten or to be begotten Severally Successively and in Remainder one after another in order and Course as they and every of them shall happen to be in Priority of Birth and of the several and Respective Heirs Male of the Body and Bodies of all and every such Son and Sons Lawfully Issuing the Elder of the said Sons and the Heirs Male of His Body Issuing being always to be Preferred and to take before the younger of the same Sons and the Heirs Male of his and their Respective Body and Bodies Issuing and for Default of such Issue To the Use of the said Cecilius Calvert and his Assigns for and during the Term of his Natural Life without Impeachment of or for any manner of Waste and with Power to Committ Waste and with such other Powers Authoritys Priviledges and Liberties as are hereinafter Mentioned & Contained and from and immediately after the Determination of the said last Mentioned Estate by Forfeiture or otherwise in the Lifetime of the said Cecilius Calvert To the Use of the said Thomas Bennett and William Sharpe and their Heirs during the Life of the said Cecilius Calvert Upon Trust to Preserve the Contingent Remainders and Estates hereinafter Limited from being barred Defeated or Destroyed and for that Purpose to make Entries and bring Actions as Occasion shall Require But Nevertheless to permit and Suffer the said Cecilius Calvert and his Assigns during his Life to Receive & take the Rents Issues and Profits thereof to his and their own use and from and after his Decease To the Use of the first Son of the Body of the said Cecilius Calvert Lawfully begotten or to be begotten and of the Heirs Male of the Body

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Lib. J. R. of such first Son Lawfully Issuing And for Default of such
 & U. S. Issue To the Use of the Second third Fourth Fifth & all other
 and every Son and Sons of the Body of the said Cecilius
 Calvert Lawfully begotten or to be begotten Severally Suc-
 cessively and in Remainder one after another in Order and
 Course as they shall be in Priority of Birth and of the several
 and Respective Heirs Male of the Body and Bodies of all and
 every such Son and Sons Lawfully Issuing the Elder of the
 said last mentioned Sons and the Heirs Male of His Body
 Issuing being always to be Preferred and to take before the
 younger of the same Sons and the Heirs Male of his and their
 Respective Body and Bodies Issuing And for Default of such
 Issue To the Use of such Person and Persons and for such
 Estate and Estates as the said Frederick Lord Baltimore shall
 from time to time and at all times hereafter by any Deed or
 Instrument in Writing with or without Power of Revocation
 to be Sealed and Delivered by him in the Presence of two or
 more Credible Witnesses or by his last Will & Testament in
 Writing or by any Instrument Purporting to be his last Will
 and Testament to be Signed by him in the Presence of and to
 be Attested by three or more Credible Witnesses direct or
 Appointed and in Default of such Direction or Appointment as
 shall be so made In Case the whole of the Premises shall not
 be Comprized therein To the Use of such Persons and for
 such Estates and with such Remainders over as the Reversion
 of the same Premises now Stands Limited to and Devised
 by the last Will and Testament of the said Charles Lord
 Baltimore Deceased and to and for no other Use Intent or
 Purpose whatsoever Provided always and it is hereby de-
 clared and Agreed by and between the said Parties to these
 Presents and it is the true Intent and meaning of them and of
 these Presents That it shall and may be Lawfull to and for the
 said Frederick Lord Baltimore from time to time and at all
 times During his Life and after his Decease to and for the
 First and other Son and Sons of his Body Lawfully to be
 Begotten and the Heirs Male of the Body and Bodys of such
 first and other Son and Sons Lawfully Issuing And in Case
 of the Death of the said Frederick Lord Baltimore without
 such Issue Male as aforesaid to and for the said Cecilius Cal-
 vert from time to time and at all times during his Life and
 after his Decease to and for the first and other Son and Sons
 of the Body Lawfully to be begotten and the Heirs Male of the
 Body and Bodies of such first and other Son and Sons Law-
 fully Issuing And in Case of the Death of the said Frederick
 Lord Baltimore without such Issue Male as aforesaid to and
 for the said Cecilius Calvert from time to time and at all times

during his Life and after his Decease to and for the first and other Son and Sons of the Body of the said Cecilius Calvert Lawfully begotten or to be begotten and the Heirs Male of the Body and Bodies of such last mentioned Son and Sons Lawfully Issuing when and as they shall Severally and Respectively being in the Actual Possession of the said Premises by virtue of the Limitations herein before contained to do Execute perform Assent and Consent to all Legislative Acts and All Acts of Government whatsoever Relating to the said Premises or any of them or any part thereof and to grant Confer and Nominate to all Offices and Employments as well Civil as Military and to grant Nominate and Present to all Benefices Livings and Cures within the said Province in such manner as has been usual or as shall be Deemed most Expedient yet so as that the said Frederick Lord Baltimore or any other Person or Persons aforesaid be not thereby Enabled to make any grant or Presentation or to Nominate to any such Office Employment Benefice or Cure in Reversion or by way of future grant to take Effect at any time after his Decease And also from time to time during his and their Life and Lives to consent and Assent to any Exchange Division or Partition of any of the Lands Waters Fishings Wastes Watergrounds or Heredits which adjoin to or lye near to or border upon any Lands Waters Fishings Wastes Watergrounds or Hereditaments Parcel of any other Province Government Lordship Lands or Territorys Lying near to any part of the said Province Lords^p or Territory of Maryland or part or parcel of any manors or Lands which are Claimed to be the Estate of or to belong to any Person or Persons Body Politick or Corporate not holding under the said Frederick Lord Baltimore as Lord or Proprietor of the said Province of Maryland, and Likewise to Refer to Arbitration or otherwise to a just Terminate and Compromise all Suits Controversies Questions & Differences which have Arisen or may arise him her or them as Lords or Proprietors or Owners or Owner the said Province or Territory of Maryland or the Lords Proprietors of Pensilvania touching the three Lower Counties or touching the Respective Limits or Boundaries of the Territories or Districts or either of them or touching any other matter or thing whatsoever so as all and every the Divisions and Partitions Exchanges Agreements Awards and Arbitrations to be made or Agreed upon in Pursuance of the said powers be in Writing and be Sealed and Delivered by all Necessary Parties in the Presence of two or more Credible Witnesses and be Inrolled within two years after the Execution thereof among the Records of the said Province or Lordship of Maryland and

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further by Any Deed Charter or other Instrument in Writing under the Seal of the said Province of Maryland to give or grant to any Person or Persons either in Fee or for any other Estate any Land Tenements Woods Underwoods Waters Fishings Lands Covered with Waters or other Hereditts whatsoever lying within or being Part of the said Province or Annexed there unto which now Remains Unsettled or Uncultivated or which now are or hereafter shall come to the said Frederick Lord Baltimore or such other Person or Persons as aforesaid by Escheat forfeiture Surrendered or otherwise Reserving such Quit Rents or more and such other Rents Duties Fines Services and other things and upon such Terms and Conditions as have been usually Reserved & provided upon Grants of new Improved or Escheated or Forfeited Lands in the said Province of Maryland or such others as shall be Deemed Equally Advantageous or Beneficial and also in the same or the like manner to Demise or Lease any Lands Tenements or Hereditiments Parcell of any manors or Lordships which the said Frederick Lord Baltimore doth hold or is Intitled to in his Proprietary Capacity or in Right of his Seignory in and over the said Province or Territory to any Person or Persons for any Term or Number of years Absolute not Exceeding Ninety nine years or for Life or Lives of any Person or Persons not Exceeding three Lives to be all in being at one and the same time or for any Term or Number of years Determinable on the Dropping of the Life or Lives of any Person or Persons not Exceeding three Persons to be in being all at one time so as all and every such grants Leases and Demises be Severally made to take Effect in Possession and not in Reversion or by way of future Interest and that there be Reserved thereon such Rents Duties and Services and the same be with such Conditions and Covenants on the Parts of the Lessees as have been usually Reserved and Contained in Leases of Lands Parcel of the said Manors in the said Province of Maryland or such other Rents Duties Services Conditions and Covenants as shall be Deemed Equally Advantageous and Beneficial And further that it shall and may be Lawfull to and for the said Frederick Lord Baltimore from time to time and at all times hereafter during his Life and after his Decease in Case of Failure of Issue Male of his Body Lawfully Begotten as aforesaid to and for the said Cecilius Calvert from time to time and at all times during his Life either before or after their inter Marriage with any Woman by any Deed or Deeds to be by them Respectively Signed Sealed and Delivered in the Presence of and to be Attested by two or more Credible Witnesses to Grant Limit or Appoint to or to the Use of any Woman they

shall Respectively Marry as aforesaid for the Lives of such Lib. J. R.
Woman and for their Respective Jointures and in bar of & U. S.
Dower or Thirds at the Common Law and to take Effect after
the Respective Deaths of them the said Frederick Lord Balti-
more and Cecilius Calvert any yearly Rent Charge or Sum not
Exceeding in the whole the Sum of two Thousand Pounds of
Lawfull Money of Great Britain English Value by the year for
each such Woman Tax Free and without any Deductions or
Abatements whatsoever and to be Issuing out of and Charge-
able upon all or any part of the said Premisses with such Pow-
ers and Remedies for Recovering and Inforcing the Payment
of such Annual Rent Charge or Sum when in Arrear and such
Terms of years for the better Securing the due payment
thereof as to the said Frederick Lord Baltimore or Cecilius
Calvert shall seem meet Provided Always and it is hereby De-
clared and Agreed by and Between the said Parties to these p. 373
Presents And it is the true Intent and meaning of them and
every of them and of these Presents That it shall and may be
Lawfull to and for the said Frederick Lord Baltimore at any
time during his Life by any Deed or Deeds Writing or Writ-
ings Sealed and Delivered by him in the Presence of and
Attested by two or more Credible Witnesses with or without
Power or Revocation or by his last Will and Testament in
Writing to be by him Signed and Published in the Pres-
ence of and Attested by three or more Credible Witnesses to
Charge all or any Part or Parts of the said Province or Terri-
tory of Maryland and other the said Premisses herein before
Mentioned to be hereby Granted and Released or Intended
so to be with the Payment of any Sum or Sums of Money not
Exceeding in the whole the Principal Sum of Twenty Thou-
sand Pounds for the Portion or Portions of Daughter or
Daughters and younger Son or Sons of the Body of the said
Frederick Lord Baltimore Lawfully begotten or to be begotten
or for such other Uses Intents or Purposes and with such
Interest for the same and to be paid at such time or times and
under such Conditions Restrictions and Limitations over as
in and by such Deed or Deeds Writing or Writings or such
Last Will and Testament shall be mentioned Directed or Ap-
pointed And for the better Securing any Sum or Sums of
Money to be so Charged by him the said Frederick Lord Balti-
more with Interest for the same to make any Demise or De-
mises by way of Mortgage of all or any Part of the said Prov-
ince or Territory and Premisses to any Person or Persons for
any Term or Number of years not Exceeding three hundred
years without Impeachment of waste so as such Term and
Terms be made Redeemable on full Payment of the Money

Lib. J. R. thereby to be so Charged by Virtue of this Present Power with
 & U. S. the Interest thereof at a day therein to be Named by the
 Person or Persons who for the time being shall be Intitled to
 the Freehold or Inheritance of the said Premisses so to be
 Demised And the said Frederick Lord Baltimore doth hereby
 for himself his Heirs Executors and Administrators Covenant
 Promise and Agree to and with the said Thomas Bennett and
 William Sharpe their Heirs Executors and Administrators
 That the said Frederick Lord Baltimore shall and will keep
 down the Interest of the Money so to be Charged during his
 Life If any such Interest shall Incurr or grow due to be
 Payable any thing in these Presents Contained to the Con-
 trary thereof Notwithstanding Provided Also And it is
 hereby Declared and Agreed that it shall and may be Lawfull
 to and for the said Cecilius Calvert when and as he shall be in
 the Actual Possession of the Premisses by Virtue of the Limi-
 tations herein before Contained at any time during his Life
 by any Deed or Deeds Writing or Writings Sealed and De-
 livered by him in the Presence of and Attested by two or more
 Credible Witnesses with or without Power of Revocation or
 by his Last Will and Testament in Writing to be by him
 Signed and Published in the Presence of and Attested by
 three or more Credible Witnesses to Charge all or any part
 or parts of the said Province or Territory of Maryland and
 other the said Premisses therein before Mentioned to be here-
 by granted and Released or Intended so to be with the Pay-
 ment of any Sum or Sums of Money not Exceeding in the
 whole the Principal Sum of Twenty Thousand Pounds for
 the Portion or Portions of Daughter or Daughters and
 younger Son or Sons of the Body of the said Cecilius Calvert
 Lawfully begotten or to be begotten (But not for any other
 p. 374 Intent or Purpose whatsoever) and with such Interest for the
 same and to be paid at such time or times and under such
 Conditions Restrictions and Limitations over as in and by
 such Deed or Deeds Writing or Writings or such last Will
 and Testament shall be Mentioned Directed or Appointed and
 for the better securing any Sum or Sums of Money to be so
 Charged by the said Cecilius Calvert with Interest for the
 same to make any Demise or Demises by way of Mortgage of
 all or any Part of the said Province or Territory and Prem-
 isses to any Person or Persons for any Term or Number of
 years not Exceeding three hundred years without Impeach-
 ment of waste so as such Term or Terms be made without
 Prejudice to any former Term to have been before made of
 the same Premisses and which shall be subsisting at the time
 of such new demise and so as such Demise Redeemable on full

Payment of the Money thereby to be as Charged by Virtue of this Present Power with the Interest thereof at a Day therein to be Named by the Person or Persons who for the time being shall be Intitled to the Freehold or Inheritance of the said Premisses so to be Deemed the said Cecilius Calvert Nevertheless keeping down the Interest of the Money so to be Charged during his Life If any such Interest should Incurr or grow due or be Payable any thing in those Presents contained to the Contrary thereof Notwithstanding And the said Frederick Lord Baltimore for himself his Heirs Executors and Adm^{rs} and the said Cecilius Calvert for himself his Heirs Executors and Administrators each of the said Covenantors Covenanting Separately and apart from the other of them and separately and Apart for his own Heirs Executors and Administrators and his and their own Acts and Deeds and not for the Heirs Executors or Administrators Acts or Deeds of the other of them Do and each of them Doth Covenant Promise and Agree to and with the said Thomas Bennett and William Sharpe their Heirs and Assigns by these Presents That the said Frederick Lord Baltimore and Cecilius Calvert and each of them and the Several and Respective Heirs of them and each of them and all and every other Person and Persons whatsoever having or Lawfully Claiming or that shall or may have or Lawfully Claim any Estate Right Title Trust Interest Property Claim or Demand whatsoever either at Law or in Equity of in to or out of the said Province Tract District or Territory called Maryland and all and Singular other the Premisses herein before mentioned to be hereby granted and Released or Intended so to be or any of them or any Part or Parcell thereof by from or under or In trust for them or any of them or by or with his their or any of their Acts means Privy Consent Default or Procurement shall and will from time to time and at all times hereafter upon every Reasonable Request to be made for that Purpose at that Purpose at the Proper Costs and Charges of the said Frederick Lord Baltimore and Cecilius Calvert or one of them or the Heirs or Assigns of them or one of them make do Acknowledge Levy Suffer and Execute or Cause and Procure to be made done Acknowledged Levied Suffered and Executed all and every such further and other Lawfull and Reasonable Act and Acts thing and things Deed and Deeds Devices Conveyances and Assurances in the Law whatsoever for the further better more perfect and Absolute granting Conveying and Assuring of the said Province Tract District or Territory of Maryland and all and Singular other the Premisses herein before Mentioned to be hereby granted and Released or Intended so to be and every of them and every Part and Parcell thereof

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Lib. J. R. with their and every of their Rights Members and Appurtenances unto the said Thomas Bennett and William Sharpe
& U. S. their Heirs and Assigns To the same Uses for the Several Intents and Purposes upon the Several Trusts and by with under and Subject to the Several Limitations Powers Provisoes And Agreements herein before mentioned and Declared of and Concerning the same According to the true Intent and meaning of these Presents be the same by Deed or Deeds Inrolled the Inrollment of these Presents Feofments Release and Confirmation with Warranty or without and by all and every or any of the said ways and means or any other ways and means whatsoever as by the said Thomas Bennett and William Sharpe or the Survivors or Survivor of them or the Heirs or Assigns of such Survivor or any of the Parties Interested in the Premises or his their or any of their Council Learned in the Law shall be Reasonably Devised or Advised and Required so as no such further Assurance or Assurances Contain or Imply any further or other Covenants or Warranty than against the Person or Persons who shall be Required to make or Execute the same his her or their Heirs Extōrs or Admōrs Acts and Deeds and so as the Party or Parties who shall be Required to make or Execute such further Assurance or Assurances be not Compelled or Compellable for the making or doing thereof to go or Travel from his her or their usual Place or Places of Abode. In Witness whereof the said Parties to these Presents have hereunto Respectively set their hands and Seals the day and year first above Written

F [Seal] Baltimore Cecilius [Seal] Calvert

Acknowledged by the within named Frederick Lord Baltimore and the Honourable Cecilius Calvert Esq^r this Third Day of February Seventeen hundred and Sixty one

Before me Tho^s Lane.

On the back of the foregoing Deed is thus Indorsed.

The Right Honourable Lord Baltimore	} Settlement of the
and the Honourable Cecilius Calvert	
to	
The Honourable Thomas Bennett and	} Pursuant to Marriage
William Sharpe Esquires	
	Articles.

Inrolled in his Majesty's High Court of Chancery the fourth day of February in the year of our Lord 1761 being first duly Stampd According to the Tenor of the Statute made in the Sixth year of the Reign of their late Majesties King William and Queen Mary.

By Geo: Eckerrall

At a Council held in the City of Annapolis on Thursday 12th of January in the 13th year of His Lordships Dominion Annoq Domini 1764.

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& U. S.
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Present

His Excellency Horatio Sharpe Esq^r Governor.

The { Benjamin Tasker } Stephen Bordley Esq^r
Honourable { Daniel Dulany } John Ridout Esq^r

His Excellency is pleased to lay before this board the following Letter Received by Him from the Right Honourable the Lords Commissioners of Trade and Plantations

Whitehall 10th October 1763

Sir

We have received his Majesty's Commands to send you the inclosed Printed Proclamations, and to desire you will Cause the same to be forthwith made publick in the Several parts of your Government, taking especial care that you do exactly conform to the Orders and regulations therein contained, in so far as depends upon yourself, and that you do strictly enjoin all Persons whatever whom it may concern, to pay a due Obedience thereto on their parts.

We are

Sir

your most Obedient Humble Servant

C Bacon } Hillsborough
John York } Soame Jenyns

By His Excellency Horatio Sharpe Esq^r Governor and Commander in chief in and over the Province of Maryland.

A Proclamation

Whereas His Majesty was graciously pleased, on the Seventh day of October last, to Issue his Royal Proclamation, in the following Words viz^t

George R.

Whereas We have taken into our Royal Consideration the Extensive and valuable Acquisitions in America Secured to Our Crown by the late Definitive Treaty of peace, concluded at Paris the Tenth Day of February last and being desirous, p. 377 that all our loving Subjects, as well of Our Kingdoms as of Our Colonies in America, may avail themselves, with all Convenient Speed of the Great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation; We have thought fit, with the Advice

Lib. J. R. of Our Privy Council, to Issue this Our Royal Proclamation,
 & U. S. hereby to Publish and Declare to all Our loving Subjects, that
 We have, with the Advice of Our said Privy Council, granted
 Our Letters Patent under Our great Seal of Great Britain, to
 Erect within the Countries & Islands ceded and confirmed to
 Us by the said Treaty, four distinct and Separate Govern-
 ments, stiled and called by the names of Quebec, East Florida,
 West Florida, and Grenada and Limited and bounded as
 follows; viz^t

First, the Government of Quebec, bounded on the Labrador Coast by the River S^t John, and from thence by a Line drawn from the head of that River through the Lake S^t John to the South End of the Lake Nigh Pissin; from whence the said line Crossing the River S^t Lawrence and the Lake Champlain in forty five Degrees of North Latitude, passes along the High Lands which Divide the Rivers that empty themselves into the said River S^t Lawrence, from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs, and the Coast of the Gulph of S^t Lawrence to Cape Rosieres, and from thence Crossing the mouth of the River S^t Lawrence by the West End of the Island of Anticosti, terminates at the aforesaid River of S^t John.

Secondly, The Government of East Florida, bounded to the Westward by the Gulph of Mexico, and the Apalachicola River; to the Northwards by a line drawn from that part of the said River where the Chatahouchee and Flint Rivers meet, to the Source of S^t Mary's River, and by the Course of the said River to the Atlantick Ocean; and to the Eastward and Southward, by the Atlantick Ocean, and the Gulph of Florida, including all Islands within Six Leagues of the Sea Coast.

Thirdly, the Government of West Florida, bounded to the Southward by the Gulph of Mexico, including all Islands within Six Leagues of the Coast from the River Apalachicola to Lake Ponchartrain; to the Westward by the said Lake the Lake Mauripas, and the River Mississippi, to the Northward, by a line drawn due East from that part of the River Mississippi; which lies in Thirty one Degrees North Latitude, to the River Apalachicola or Chatahouchee; and to the Eastward by the said River.

Fourthly, The Government of Grenada, comprehending the Island of that Name together with the Grenadiers, and the Island of Dominico S^t Vincents, and Tobago, And to the End that the open and free Fishery of Our Subjects may be extended to and carried on upon the Coast of Labrador and the adjacent Islands, We have thought fit, with the Advice of Our said Privy Council, to put all that Coast, from the River S^t

Johns to Hudsons Streights, together with the Islands of Anticosti and Madelaine, and all other smaller Islands lying upon the said Coast, under the Care and Inspection of Our Governor of Newfoundland, We have also, with the Advice of Our Privy Council, thought fit to annex the Islands of S^t John's, and Cape Breton or Isle Royale, with the lesser Islands adjacent thereto, to Our Government of Nova Scotia, We have also with the Advice of Our Privy Council aforesaid, annexed to Our Province of Georgia all the lands lying between the Rivers of Altamaha and S^t Mary's, And whereas it will greatly contribute to the Speedy Settling Our said New Governments, that Our loving Subjects should be informed of Our Paternal Care for the Security of the Liberties and Properties of those who are and shall become Inhabitants thereof; We have thought fit to publish and declare, by this Our Proclamation, that We have in the Letters Patent under Our great Seal of Great Britain, by Which the said Governments are Constituted, given express Power and Direction to Our Governors of Our said Colonies respectively that so soon as the State and Circumstances of the said Colonies will Admit thereof, they shall, with the Advice and Consent of the Members of Our Council, Summon and call General Assemblies within the said Governments respectively, in such Manner and form as is used and directed in those Colonies and Provinces in America, which are under Our immediate Government; and We have also given Power to the said Governors, with the Consent of Our said Councils, & the Representatives of the People, so to be summoned as aforesaid, to make, constitute, and Ordain Laws, Statutes, and Ordinances for the Publick Peace, Welfare, and good Government of Our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions as are used in other Colonies; And in the mean time, and untill such Assemblies can be called as aforesaid, all persons Inhabiting in, or Resorting to Our said Colonies, may confide in Our Royal Protection for the Enjoyment of the Benefit of the Laws of Our Realm of England; for which purpose we have given Power under Our great Seal to the Governors of Our said Colonies respectively, to erect and Constitute, with the Advice of Our said Councils respectively, Courts of Judicature and Publick Justice, within Our said Colonies, for the hearing and Determining all Causes, as well Criminal as Civil According to Law and Equity and as near as may be Agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentences of such Courts, in all Civil Cases,

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Lib. J. R. to appeal under the usual Limitations and Restrictions, to Us
 & U. S. in Our Privy Council, We have also thought fit with the Ad-
 p. 379 vice of Our Privy Council as aforesaid, to give unto the Gov-
 ernors and Councils of Our said three new Colonies upon the
 Continent, full Power and Authority to Settle and Agree with
 the Inhabitants of Our said New Colonies, or with any other
 Persons who shall resort thereto, for such Lands, Tenements,
 & Hereditaments, as are now, or hereafter shall be in Our
 Power to dispose of, and them to grant to any such Person or
 Persons, upon such Terms, and under such moderate Quit
 Rents Services, and Acknowledgments as have been appointed
 and Settled in Our other Colonies, and under such other Con-
 ditions as shall appear to us to be necessary and Expedient for
 the Advantage of the Grantees, and the Improvement and
 Settlement of Our said Colonies, And Whereas we are de-
 sirsous, upon all Occasions, to testify Our Royal Sense and
 Approbation of the Conduct or Bravery of the Officers and
 Soldiers of Our Armies, and to reward the same we do hereby
 command and impower Our Governors of Our said three New
 Colonies, and all other Our Governors of Our Several Prov-
 inces on the Continent of North America, to grant, without
 fee or Reward, to such Reduced Officers as have Served in
 North America during the late War, and to such Private Sol-
 diers as have been or shall be disbanded in America, and
 are Actually residing there, and shall Personally apply for
 the same, the following Quantities of Land, Subject at the
 Expiration of Ten years to the same Quit-Rents as other
 Lands are Subject to in the Province within which they are
 granted, as also Subject to the same Conditions of Cultivation
 and Improvement, viz^t To every Person having the Rank of a
 Field Officer, five Thousand Acres. To every Captain Three
 Thousand Acres. To every Subaltern or Staff Officer, Two
 Thousand Acres. To every Non-Commission Officer, Two
 hundred Acres. To every Private Man fifty Acres, We do
 likewise authorize and require the Governors and Command-
 ers in Chief of all Our said Colonies upon the Continent of
 North America to grant the like Quantities of Land, and upon
 the same Conditions to such Reduced Officers of Our Navy,
 of like Rank, as Served on board Our Ships of War in North
 America at the times of the Reduction of Louisbourg and
 Quebec in the late War, and who shall Personally apply to
 Our Respective Governors for such grants. And Whereas it
 is just and Reasonable, and essential to Our Interest and the
 Security of Our Colonies, that the Several Nations or Tribes
 of Indians With whom We are connected, and who live under
 Our Protection, should not be Molested or disturbed in the

Possession of such Parts of Our Dominions & Territories as, not having been ceded to, or Purchased by Us, are reserved to them, or any of them, as their Hunting Grounds; We do therefore with the Advice of Our Privy Council declare it to be Our Royal Will and Pleasure, that no Governor or Commander in Chief in any of Our Colonies of Quebec, East Florida, or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the bounds of their respective Governments, as described in their Commissions; as also that no Governor or Commander in Chief in any of Our other Colonies or Plantations in America, do presume for the present, and untill Our further pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantick Ocean from the West and North West, or upon any Lands whatsoever, which, not having been ceded to, or Purchased by Us as aforesaid, are reserved to the said Indians, or any of them. And We do further declare it to be Our Royal Will and Pleasure, for the Present as aforesaid, to reserve under Our Sovereignty, Protection, and Dominion for the Use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three New Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the sea from the West and North West, as aforesaid; and We do hereby Strictly forbid on pain of Our displeasure, all Our Loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without Our especial Leave and Licence for that Purpose first Obtained, And We do further Strictly enjoin and require all Persons whatever, who have either wilfully or inadvertently Seated themselves upon any Lands within the Countries above described, or upon any other Lands, which, not having been Ceded to, or Purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements, And Whereas great Frauds and Abuses have been committed in the Purchasing Lands of the Indians, to the great Prejudice of Our Interests, and to the great Dissatisfaction of the said Indians; in order therefore to prevent such Irregularities for the future and to the End that the Indians may be convinced of Our Justice, and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of Our Privy Council, strictly enjoin and require, that no Private Person do Presume to

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Lib. J. R. make and Purchase from the said Indians of any Lands
 & U. S. reserved to the said Indians within those parts of Our Colonies where We have thought proper to allow Settlement, but that if, at any Time, any of the said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for Us, in Our Name, at some Publick Meeting or Assembly of the said Indians to be held for that Purpose by the Governor or Commander in Chief of Our Colonies respectively, within which they shall lie; and in Case they shall lie within the Limits of any Proprietary Government, they shall be purchased only for the Use and in the Name of such Proprietaries, Conformable to such Directions and Instructions as We or they shall think Proper to give for that Purpose; And We do, by the Advice of Our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all Our Subjects whatever; provided that every Person who may incline to trade with the said Indians, do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of Our Colonies respectively, where such Person shall reside; and also give Security to observe such Regulations as We shall at any time think fit, by Ourselves or by Our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade; and We do hereby Authorize, enjoin, & require the Governors and Commanders in Chief of all Our Colonies respectively, as well those under Our immediate Government as
 p. 381 those under the Government and Direction of Proprietaries, to grant such Licences without Fee or Reward taking especial care to insert therein a Condition, that such Licence shall be void, and the Security forfeited, in Case the Person, to whom the same is granted, shall refuse or neglect to observe such Regulations as We shall think Proper to prescribe as aforesaid. And We do further expressly enjoin and require all Officers whatever, as Well Military as those employd in the Management and Direction of Indian affairs within the Territories reserved as aforesaid for the Use of the said Indians, to seize and Apprehend all Persons whatever, who standing charged with Treasons, Misprisions of Treason, Murders, or other Felonies or Misdemeanors, shall fly from Justice, and take Refuge in the said Territory, and to send them under a proper Guard to the Colony where the Crime was Committed of which they stand accused, in order to take their Tryal for the same.

Given at Our Court at St James's the Seventh Day of October, One Thousand Seven hundred and Sixty three, in the Third year of Our Reign.

And whereas a Copy of the said Proclamation hath been transmitted to me by the Right honourable the Lords Commissioners of Trade and Plantations, who have also Signified to me his [Majesty's] Royal Will and Pleasure, that the same should be Published in the Several Parts of my Government, to the End that all His Majesty's Subjects there may pay due Obedience thereto: I have therefore, in Obedience to the said Royal Order, Signified to me as aforesaid, with the Advice of his Lordships Council of State, Caused the said Proclamation to be this Day Published at the City of Annapolis; and I do hereby Strictly Charge and Command the Several Sheriffs of this Province, to make this his Majesty's Proclamation Publick in their Respective Counties, in the usual Manner, that all His Majesty's Subjects within the same, may take notice thereof, and Conform themselves thereto Accordingly,

Given at the City of Annapolis, this Twelfth Day of January, in the Thirteenth year of His Lordships Dominion, Annoq Domini 1764.

Horatio Sharpe

John Ross Clk. Con.

God Save the King.

Whitehall 11th October 1763

Sir

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The Lords Commissioners of His Majesty's Treasury having represented to His Majesty, that they find, upon a consideration of the present state of the Duties of Customs imposed on His Majesty's Subjects in America, that the Revenue arising therefrom is very small and inconsiderable, having in no degree increased with the Commerce of those Countries, and is not yet sufficient to defray a fourth part of the expence necessary for Collecting it, and that through neglect, connivence and fraud, not only the Revenue is impaired, but the Commerce of the Colonies is diverted from its natural course, and the Salutary provisions of many wise Laws are in great measure defeated; His Majesty has commanded us to require and enjoin you in the Strictest manner to make the Suppression of the clandestine and prohibited Trade with foreign nations and the improvement of the Revenue, the constant and immediate objects of your care, and by a vigorous discharge of the duty required of you by several Acts of Parliament and a due exertion of your legal Authority, to give the Officers of the Revenue all Possible protection and support, and that you do from time to time transmit such Observations as occur to you on the State of the illicit and contraband trade, and on the conduct of all Persons, whose duty it is to prevent the

Lib. J. R. same, in order that the necessary directions may be given for
& U. S. punishing such persons as shall appear to be guilty of any
misbehaviour and for correcting all Abuses for the future.

We do therefore recommend these His Majesty's Com-
mands to your most serious attention, not doubting but you
will acquit yourself in the execution of them, as becomes a
faithfull and vigilant Servant of the Crown

We are Sir, your most Obedient humble Servants
Hillsborough, Soame Jenyns, C. Bacon, John Yorke.
Horatio Sharpe Esq^r Lieu^t }
Governor of Maryland }

At a Council held at the Governor's on the Day of
December in the thirteenth year of his Lordship's Dominion
Annoq. Domini 1763.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker Stephen Bordley Daniel Du-
lany and John Ridout Esq^{rs}

The Report of the Conviction of Negro Hannah Slave of
M^r Charles Clagget of Calvert County condemned for feloni-
ously breaking open the House of a Certain William Hilhouse
of the same County and stealing therefrom several Goods and
Chattels the Property of the said Hilhouse and Mary Parran
p. 383 at November Court 1763 being laid before this Board by the
Governor with the Report of the Justices of the same County,
that this was the first Crime she has ever Committed, worth
notice, was very sorry for her Offence, and Promises if she
can be pardoned she will be truly honest and faithful for the
future, as we have reason to Expect she will be so, and is a
very young wench, we beg leave to Recommend her to your
Excellency's Mercy.

Ordered Pardon issue for the said Negro which issued
accordingly.

At a Council held at the Governors on Thursday the 12th
day of April in the Fourteenth year of his Lordships Domin-
ion Annoq Domini 1764.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The { Benjamin Tasker Esq^r } John Ridout Esq^r
honble { Stephen Bordley Esq^r } Charles Goldsborough
{ Daniel Dulany Esq^r } Esq^r

Read the Conviction of three Negroes from Calvert County viz^t Toe, Sambo, and Betty for attempting to poison M^r Smith and his Wife of the same County. Lib. J. R.
& U. S.

Ordered to be Returned to the Clerk to procure a Report from the Justices of their Behaviour.

Read a Letter from John Darnall Esq^r to his Excellency informing him of the Conviction of Negro Toby Slave of Benjamin Hall jun^r of Frederick County for the Murder of Ely Lynthicumb, and that the Negro was a Boy of nine years Old and that the Court think him an Object of Mercy.

Ordered Pardon issue for the said Negro, which issued accordingly

Ordered that the present General Assembly of this Province which stands Prorogued to the 1st day of May be further Prorogued to the 30th day of July next and Proclamations issued accordingly.

At a Council held at the Governor's on Friday the 20th day of April in the Fourteenth year of his Lordship's Dominion Annoq Domini 1764.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble Benjamin Tasker, Benedict Calvert, Daniel Dulany, and John Ridout Esq^{rs}

Read the Report of the Justices of the Provincial Court whereby it appears they had passed Sentence of Death upon Negro Jacob the Slave of John Hawkins of Baltimore County for feloniously breaking and entring the Store House of Gilbert Crocket of the same County and Stealing several Goods thereout.

Ordered Dead Warrant for the Execution of the said Negro on Friday the 18th day of May next which issued accordingly. p. 384

The Report of the Justices of Calvert County relating to the Conviction of Negro Sambo, Toe and Betty being laid before this Board whereby it appears that the said Negroes were condemned upon the Evidence of several others, And likewise an Answer of M^r Charles Graham one of the Justices of Calvert County to a Letter sent him by the Governor's Order desiring him to enquire of the Owners of the said Negroes condemned last March County Court for attempting to Poison M^r Smith and his Wife if they will chuse to export them out of

Lib. J. R. this Province to which Answer of M^r Graham's D^r Hamilton
& U. S. on behalf of M^{rs} Smith, and M^r Waring for himself say they
are desirous the afs^d Negroes may be executed agreeable to
their Sentence.

Ordered Dead Warrant for the Execution of the said Negroes on Wednesday the 20th day of June next, which issued accordingly.

His Excellency is pleased to lay before this Board a Letter sent him from General Gage and also another from Col^o Bouquett which are ordered to lye on the Table.

At a Council held at the Governor's on Tuesday the 10th day of July in the Fourteenth year of his Lordship's Dominion Annoq Domini 1764.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Stephen Bordley, and John Ridout Esq^{rs}

Ordered that the present General Assembly of this Province which stands Prorogued to the 30th day of July next be further Prorogued to the First Tuesday in October next and Proclamations issued accordingly.

The following Letter from the Right honble the Lords Commissioners of Trade and Plantations and a Copy of an Address from the House of Commons to his Majesty being laid before this Board by his Excellency and Answers thereto being likewise prepared, were Read approved of and by His Excellency transmitted accordingly.

Whitehall May 11th 1764.

Sir

We send you herewith a Copy of an Address from the House of Commons to His Majesty of the 5th of the last Month, and desire you will forthwith prepare and transmit to us as soon as Possible the Account therein required, that the same may be laid before that House the next meeting of Parliament. So We bid you heartily farewell

and are your very loving Friends and humble Servants,

Horatio Sharpe Esq ^r	Geo: Rice	Hillsborough
	Orwell	Soame Jenyns
	T. Dyson	Ed. Eliot
	Bamber Gascoyne	E ^d Bacon

House of Commons 5th April 1764.

Lib. J. R.
& U. S.
p. 385

Resolved.

That an humble Address be presented to His Majesty, that he will be graciously pleased to give Directions to the Commissioners of Trade and Plantations, to prepare, in order to be laid before this House, the next Session of Parliament, an Account of the Tender and Amount of the Bills of Credit which have been created and issued in the several British Colonies and Plantations in America, as well those under Proprietors and Charters, as under His Majesty's immediate Commission and Government since January 1749. distinguishing the Amount of the same in each Colony and Plantation and the respective times when such Bills were issued with the amount of the said Bills in Money of Great Britain, both at the time when such Bills were issued, and at the time of preparing the said Account, and also the Times fixed for calling in, Sinking and discharging such Bills, and the funds appropriated for that purpose.

Annapolis 17th July 1764.

My Lords

I now do Myself the honour to acknowledge the Receipt of your Lordships' Letter dated the 11th of May together with a List of the Titles of seven Acts passed in the last Session of Parliament and also Copies of those Acts the substance of which in order that no Persons here may remain ignorant thereof shall without Delay be published in the Maryland Gazette and your Lordships may be assured that such of them as are prohibitory or penal shall within this Government be duly observed.

with great Respect I am your Lordships
most Obedient humble servant.

To the Lords of Trade

Hor. Sharpe.

Annapolis 1st August 1764.

My Lords

In Obedience to your Lordships' Requisition signified to Me by one of your Letters dated the 11th of May last wherein was inclosed a Copy of an Address from the House of Commons to His Majesty respecting the Bills of Credit, which have been created and issued in the several British Colonies and Plantations in America I now transmit your Lordships a particular Account of the Bills of Credit that have been issued in this Province which I hope will be Satisfactory and am with great Respect

Your Lordships' most Obed^t humble servant

To the Lords of Trade.

Hor^o Sharpe.

Lib. J. R. An Account of the Paper Currency or Bills of Credit that
& U. S. have been emitted in the Province of Maryland since January
1749.

There were at that time in Circulation in the said Province Bills of Credit to the Amount of Sixty Two Thousand Pounds that by the Act under which they had been emitted were made equal in Value to the American Currency described and regulated by the Act of Parliament made in the Sixth year of Queen Ann, and in Order to support the Credit or Value of said Bills and to sink them within a certain time a Duty of fifteen Pence Sterling was laid on every Hogshead of Tobacco
p. 386 which should be exported out of the Province between the 29th of September 1733 and the 29th of September 1764. The Amount of this Duty hath in Pursuance of the Act under which such Bills of Credit were emitted been annually remitted to certain Gentlemen in London authorized to purchase therewith Bank Stock for the Benefit and use of the Province so that in April 1762 the Province had a Right to Thirty five Thousand five hundred Pounds of such Stock. A Considerable Part of the Sixty two Thousand Pounds above-mentioned having been lent on Interest to sundry of the Inhabitants about Twenty Thousand Pounds thereof hath since January 1749 been paid into the Paper Currency Office so that at this time there is not in Circulation so much as Forty two Thousand Pounds in Bills of Credit all which Bills are immediately after the 29th day of September next to be brought in to the Commissioners of our Currency Office who are directed to give Exchange for the same Bills of Exchange on London at the Rate of a Bill for a Hundred Pounds Sterling for every Hundred and Thirty three Pounds Six Shillings and Eight pence Bills of Credit brought in and delivered up to the said Commissioners, and that the Bills of Exchange so to be drawn by the Commissioners may be punctually paid The Gentlemen in London who have been authorized to purchase for the use of the said Province the abovementioned Bank Stock are directed to sell out as much of said Stock as shall be requisite to pay the Bills of Exchange that may be so drawn on them. At the next Meeting of the General Assembly after the 29th of September next the Commissioners are to lay before a Committee an Account of the Bills of Exchange by them drawn and of the Bills of Credit brought in and at that time in their Office which are then to be burnt in the Presence of the said Committee. In the year 1749. the difference between Maryland Currency and Bills of Exchange on London was Eighty p Centum and it Continued to lessen untill the End of the year 1753 when Exchange was at a Hundred and Fifty five Pounds

Currency for a Hundred Pounds Sterling; during the late War the Exchange was very fluctuating sometimes so high as Seventy p Centum and for sometime in 1759 so low as a hundred and fifty for a hundred; but for these four years the Exchange here hath been gradually lowering as the Time when our Bills of Credit are to be sunk approaches, so that at present it is under Forty p Cent and will certainly be very soon at Thirty three and a Third for the Reasons abovementioned.

Lib. J. R.
& U.S.

By Virtue of an Act of Assembly made in July 1754 the Sum of Six Thousand Pounds Currency was granted for his Majestys Service and appropriated to the Defence of the Province and Bills of Credit were issued for that sum of equal Value with the Bills of Credit already in Circulation, nor indeed could the latter Bills be destinguisht from the former; Bills of Credit to the amount of this Six Thousand Pounds being in about five years drawn into the Currency Office by means of a Duty imposed on Wine, Servants and Negroes imported on Wheel Carriages & on Lycences granted to Tavern Keepers, and Pedlars the said Bills have been all burnt.

In May 1756 The sum of Forty Thousand Pounds Currency in Bills of Credit equal in Value to the Bills of Credit abovementioned and then in Circulation was granted for his Majestys Service and the immediate Defense of the Province and new Bills of Credit were Struck and emitted for that Sum. As these Bills were not thrown at once into Circulation but paid out from time to time to the Troops which were directed to be raised and Supported for the Defence of the Province the new Emission did not affect the Exchange which as has been already observed was sometimes so high as seventy and sometimes so low as fifty during the late War and as by the Act under which those Bills were emitted certain Duties and Taxes were laid which would certainly bring them into the Office to be Sunk before the end of the year 1763. their value was never depreciated but continued rather to increase so that for some Time before they were sunk six Shillings in such Bills passed in all payments as a Spanish Dollar or as six Shillings American Currency, to sink these Bills the Act imposed a Stamp Duty, a Duty on Negroes Horses Pitch Tar and Turpentine imported, a Tax on Land and on Batchelors, an Excise on Spirituous Liquors and a Fine on Ordinary and Tavern Lycences by which as hath been intimated the Forty thousand Pounds hath been Sunk so that after the 29th of September next there will be no Paper Currency or Bills of Credit circulating in this Province except such as have been emitted in the Neighbouring Colonies and may for want of a sufficient Quantity of Specie in Circulation be brought in and paid away to the Inhabitants of this Province.

Lib. J. R.
& U. S.

Read the Report of the Conviction of Negro Ned Slave of The Reverend John Urquahrt deceased whereby it appears the Justices of St Marys County had passed Sentence of Death upon the said Negro in March Court last for a Felony and Burglary by him Committed in breaking and entering the House of the said John Urquahrt and Stealing therefrom a considerable sum of Money, and a Report of the Justices of the same County that the said Negro Ned was by the advice and Pursuasion of some white Persons prevailed on to commit the said Fact and therefore recommend the said Slave as a proper object of his Excellency's Mercy.

Read the Conviction of Negro Stephen Slave of John Stephenson of Baltimore County whereby it appears that the Justices of Baltimore County Court had passed Sentence of Death upon the said Negro at last June Court for a certain Felony by him committed in breaking and entering the House of the said John Stevenson and Stealing therefrom two Barrells of Gunpowder.

Ordered Dead Warrant for the Execution of the said Negro on Friday the 26th of this Instant July which issued accordingly.

Read the Conviction of Negro Davy Slave of William Hemsley of Queen Anns County whereby it appears that Justices of Queen Anns County Court had on the fourth Tuesday in June last passed Sentence of Death upon the said Negro for a certain Murder by him Committed on the Body of John Seville

Ordered Dead Warrant for the Execution of the said Negro on Wednesday the 24th of this Instant July which issued accordingly.

At a Council held at the Governor's on the 27th day of September in the Fourteenth year of his Lordship's Dominion Annoq Domini 1764.

Present

His Excellency Horatio Sharpe Esq^r Governor.

p. 388 The honble Benjamin Tasker Benedict Calvert and Charles Goldsborough Esq^{rs}

Ordered that the present General Assembly of this Province which stands prorogued to the first Tuesday in October next be further prorogued to the 17th day of November next and Proclamations issued accordingly.

At a Council held at the Governor's on the 12th Day of November in the Fourteenth year of his Lordship's Dominion Anno Domini 1764. Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble Benjamin Tasker Edw^d Lloyd Daniel Dulany and John Ridout Esq^{rs}

Ordered that the present General Assembly of this Province which stands prorogued to the 17th day of this Instant November be dissolved and Proclamations issued accordingly and it is likewise ordered that Writts of Election issue dated the 13th Instant returnable the 24th day of December next and Proclamations issued accordingly.

At a Council held at the Governor's on the 15th of December in the Fourteenth year of his Lordship's Dominion Anno Domini 1764. p. 389

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benj: Tasker, Edward Lloyd, Cha^s Goldsborough and Jn^o Ridout Esq^{rs}

The following Letter from M^r Ross being Read his Excellency was pleased to issue a Commission to Upton Scott appointing him Clerk of the Council who Qualified accordingly.

Sir

An Indisposition under which I have laboured for some Days, renders me unable to attend the Meeting of the Council to day, And as I find that my growing Years render my Officiating as Clerk of that Board extremely inconvenient to me, I hope your Excellency will approve of my resigning that Office in favour of D^r Scott.

I beg leave to return you my most sincere Thanks for the Many Instances of Friendship I have received from you and am

15th December 1764.

With Great Respect
Your most Obedient
and Obliged humble Servant
J Ross

Read the following Letter and Muster Roll from Col^o Bouquet:

Lib. J. R.
& U. S.Camp at the Forks of Muskingham
Nov^r 15th 1764.

Sir

It is with great Pleasure I can inform you that Our Expedition has obtained the most compleat Success, having forced the Mingoës, the Delawares, and the Shawnese to Submit to the Conditions prescribed to them.

1. They deliver all their Prisoners without Exception.
2. They give Fourteen Hostages who are to remain in our Hands as a Security that they shall Commit no Hostilities against his Majesty's Subjects.
3. They are to send Deputies to S^r Will^m Johnson to make their Peace and have engaged to ratify what Shall be Stipulated with the said Deputies.

The Inclosed Copy of Our Proceedings contains a minute Account of the whole transaction Therefore I will not trouble you with Particulars, I am only to request that you will order a Suspension of Arms to be published in your Government; and I may presume to assure you from the present humble dispositions of these Savages that the Inhabitants of your Frontiers may with Safety return to their deserted Plantations.

We have already received upwards of two hundred Prisoners Many of them have remained so long in Captivity, that it is with the greatest reluctance they part with the Savages and We are Obligated to keep a Guard upon them to prevent their Escape.

The Mingoës and Delawares have not only delivered all their Prisoners, but even their own Children born from White Women.

The Shawnese have been very obstinate and nothing has prevented the Chastisement they deserved, but the certainty that if they were driven to despair, they would Massacre 150 Prisoners then in their Hands: However they have been forced to Stoop to the same Terms as the other Nations.

I was joined at Tuscarawas by Two Companies of Volunteers from your Province, under the Command of Cap^t M^c-Clellan and Cap^t Wolgomatt. As such a Publick Spirit ought to be encouraged in Our Colonies, I beg leave to recommend them to your Notice, that they may obtain Pay, if possible, from your Assembly, their Conduct has given me great Satisfaction, and it would be very agreeable to me if they could receive some gratification as they have put themselves to considerable Expences to equip the Men.

I inclose their Muster Roll, that their Pay may be ascer- Lib. J. R.
tained if granted. & U. S.

I have the Honour to be with great Respect
Your most Obedient and
most hble Servant
Henry Bouquet

An Effective Roll of the Maryland Volunteers Commanded
by Captains Will^m McClellan and John Wolgomatt.

William McClellan Cap^t
John Earl } Lieu^{ts}
James Daugherty }
David Blair }
John Moran } Ensigns
Edmund Moran }
Joseph Hopewell } Serg^{ts}
Henry Graybill }

Privates

1. David Shelby
2. George Rout
3. William Beadles
4. John Dean
5. Richard Arshcraft
6. Nicholas Carpenter
7. Thomas Vaughan
8. James Ross
9. Isaac Flora
10. Joshua Young
11. George Mattison

Deserted.

1. John Murray
2. Felix Seer
3. Bartholomew Pack
4. Charles Hays
5. William Polk

Cap^t John Wolgomatts Co
Matthias Nicholas Lieu^{ts}
John Blair Ensign

Privates

1. James Booth
2. James Dulany
3. Will^m Fife
4. Will^m Dunwidie

12. Isaac Wilcocks
13. William Hanniel
14. John Daugherty
15. William Colvin
16. William Flora
17. Thomas Edington
18. James Bradmore
19. Richard Coormore
20. William Sparks
21. Thomas Clemens
22. John Sealon
23. John Doughland
24. Patrick O'Gullen
25. Rob^t Ford
26. Joseph Clemens
27. James Small
28. William Lockhead
29. James Ware
30. Thomas Williams
31. John Masters

5. Peter Ford
6. Thomas Davis
7. David Johnson
8. Samuel McCord

Left Sick at Fort
Cumberland

Rob^t Blackburn
Abraham Enocks

Ditto at Fort Pitt
James Myres

Deserted
William Marshall
James Fox.

Lib. J. R.
& U. S.

Camp at Muskingham 1st Nov^r 1764.

I do hereby Certify to have been present at Mustering two Companys of Maryland Voluntiers, Commanded by Cap^{ts} McClellan and Wolgomatt when both the Officers and Men were present agreeable to the Roll of their Names, except those marked Sick or absent with leave, who are Allowed as Effective

John Reid Lieu^t Col^o 42^d Reg^t

Ordered that the following Proclamation issue to the several Counties for A Suspension of Hostilities Against the Indians.

Maryland ss

By his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation.

p. 391 Whereas I have received Advice from Col^o Henry Bouquett, Commanding his Majesty's Forces on an Expedition against the Delaware and Shawnese Indians and others concerned with them in Committing Hostilities against his Majesty's Subjects within this and the Neighbouring Provinces That at several Conferences he very lately held with the said Indians and Senecas living on the Ohio they had in the most humble and Submissive Manner sued for Peace, and had agreed to and complied with the terms he had prescribed to them, by the actual delivering up above Two hundred Prisoners and giving Hostages as a Security for restoring All that yet remain in their Possession, and that they should commit no further Acts of Hostility Against any of His Majesty's Subjects: And upon these Conditions, that he had Granted the said Indians Permission to send Deputys from their Respective Tribes to Sir William Johnson, his Majesty's Agent for Indian Affairs, to conclude with him a final and lasting Peace.

I have therefore thought fit by and with the Advice of his Lordship's Council of State to issue this my Proclamation, hereby Strictly charging and Commanding all Officers Soldiers or Other his Majesty's Subjects within this Province, that they cease and forbear carrying on an Offensive War, or committing any Acts of Hostility against any of the said Delaware, Shawnese or Seneca Indians, until my further Pleasure made known therein and I do Strictly charge and Command the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual Manner as they will answer the Contrary at their Peril. Given at Annapolis this 15th day of December in the Fourteenth year of his Lordship's Dominion Anno: Domini 1764.

Upton Scott Clk Con:

Ordered that the present General Assembly of this Province which was appointed to be held on Monday the 24th day of this Instant December be prorogued to Monday the 13th day of May next, and the following Proclamation issued to the several Counties accordingly.

Maryland ss

By His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation.

Whereas the present General Assembly of this Province was on Monday the Twenty-fourth day of this Instant December appointed to be held at the City of Annapolis, And Whereas for many Important Reasons I have thought fit to prorogue the said Assembly I do therefore with the Advice of his Lordship's Council of State prorogue the same to Monday the Thirteenth day of May Next, And to the Intent that all Persons concerned may have due Notice thereof, I do Strictly charge and require the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as as they will answer the Contrary at their Peril. Given at Annapolis this 15th day of December in the Fourteenth year of his Lordship's Dominion Annoq Domini 1764.

Upton Scott C^lk Con.

Read the Report of the Justices of Prince Georges County relating to the Conviction of Negro Jack Slave of Jn^o Selby whereby it appears that they had passed Sentence of Death upon the said Negro in November Court last for Poisoning Negro Clair Slave of Thomas Holliday, and likewise the Petitions of John Selby Master of the said Negro Jack

p. 392

Ordered Reprieve issue for the said Negro on Condition of his not continuing in Prince Georges County for the space of five days from the date of the Reprieve which issued on the 8th day of January 1765 accordingly.

At a Council held at M^r Tasker's on Friday the 11th day of January in the Fourteenth year of his Lordship's Dominion Annoq Domini 1765

Present

His Excellency Horatio Sharpe Esq^r Governor.

The hon^{ble} Benjamin Tasker Esq^r Daniel Dulany Esq^r and John Ridout Esq^r

Lib. J. R. His Excellency is pleased to lay before this Board the fol-
& U. S. lowing Letter from Col^o Henry Bouquet

Conegocheague in Maryland 20th Dec^r 1764.

Sir

I am Sorry to be obliged to inform you of a Fact lately committed, which may have consequences very fatal to our Frontiers.

I was told yesterday that M^r John Wolgamot who commanded a Company of Maryland Voluntiers in the last Expedition, had produced publicly at Frederick Town the Scalp of an Indian killed since the Treaty I have made with them.

I sent immediately for that Gentleman, who has this day been with me, he confesses the Fact, and says that being on his way home with his Company, at one days March on this side of Fort Pitt, one of his Men named James Bow had acquainted him, that he had killed an Indian near Pittsburgh, whose Scalp he had delivered to him desiring he would endeavour to obtain the Reward.

Instead of apprehending the Murderer he suffered him to remain with two other Men to hunt in the Woods where he is still.

At the time when the Voluntiers of your Government joined us, The army was encamped at Tuskerawas, where I informed all their Officers that We had entered into a Negotiation with the Indians, and that it was forbid on pain of Death to kill any of them.

After every thing was concluded with them at Muskingham, tho' all the Conferences had been held in publick, and in presence of the Troops, they were informed in the Publick Orders of that day of the conclusion of the Treaty, and that those Nations were for the future to be treated as Friends. Therefore Cap^t Wolgamot nor any Person in the Army can pretend to have been ignorant of it.

An agravating Circumstance of this murder is that the Indian killed must have been either one of the Hostages or a Deputy of the Shawnese, who all ran Suddenly away from us at Fort Pitt, of which I could not conceive the Reason till I heard of this Crime

I make no doubt that you will give the necessary orders to have the said James Bow apprehended, but as he is at present out of the Settlements, if he is aware of his danger he will keep himself out of the way

And as the Scalp is in the Possession of M^r John Wolgamat who has produced it publicly and with great Ostentation, in

the presence of M^r Evan Shelby, a Justice of the Peace, Jonathan Hagar, John Rench, and a Number of other Witnesses, I submit it to your Judgment to determine whether the said John Wolgamot cannot be properly suspected of being guilty of the Murder himself, or at least accessory to it by not apprehending the pretended Murderer, when he had him in his Power, and not informing against him the moment he re-
turned to the Settlements.

Lib. J. R.
& U. S.

p. 393

I need not observe that unless Satisfaction can be given to the Indians for that Murder it is not only Probable that they will renew the War, but that it will be very difficult if not impossible ever to make another Peace with them, as they would believe us a faithless People, whose Promises they could no longer rely upon.

I have the honour to be with great respect
Sir your most Obedient humble Servant
Henry Bouquet.

It being the Opinion of this Board that the Affair is not Cognizable in any Court of Law in this Province His Excellency was pleased to send the following Letter in Answer thereto.

Annapolis 11th January 1765.

Sir

The Intelligence you communicate to Me by the Letter you were pleased to write from Conegocheague the 20th of last Month gives me great concern. I wish it was in my Power as much as my Inclination to have the Perpetrator of the Crime you mention punished according to his Deserts, but I am told by our Lawyers that if he could be apprehended and it could be made appear by the clearest Evidence that the James Bow you speak of did kill a Friend Indian near Pittsburgh he could not be convicted of Murder in any Court of Law in this Province, that place being without the Limits of Maryland, and that M^r Wolgamot's Behaviour in receiving the Scalp from him cannot be taken Cognizance of or at least punished by any Civil Jurisdiction, Such being the Opinion of our Lawyers I declined taking any Step for his Apprehension or giving any Orders which might alarm Bow until I could advise you of the Doctrine above mentioned so that you may consider whether it would not be more advisable to have him taken by a Party of Men and tried by a Court Martial for the Offence which I suppose must have been committed while he was properly in Service under your Command and he was then no doubt subject to Martial Law, but if you are averse to having him taken and proceeded against in that way an Information

Lib. J. R. might be made against him for Committing Murder in the
& U. S. Province or Colony within which the Fact was committed and
upon Application from that Government for him he may be
delivered up to a proper Officer in order for a Tryal, tho' it
would not I suppose be an easy matter at present to get him
convicted by the Verdict of a Jury in either of these Colonies
I am &c.

At a Council held at the Governor's on Saturday the 20th
day of April in the Fifteenth year of his Lordship's Dominion
Annoq Domini 1765.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker Daniel Dulany, and John
Ridout Esq^{rs}

Ordered that the present General Assembly of this Prov-
ince which stands Prorogued to Monday the Thirteenth day
of May next be further Prorogued to Monday the Tenth day
of June next, and the following Proclamation issued to the
several Counties accordingly.

p. 394 Maryland ss

By His Excellency Horatio Sharpe Esq^r Governor and
Commander in Chief in and over the Province of Maryland.

A Proclamation.

Whereas the present General Assembly of this Province
stands prorogued to Monday the thirteenth day of May next,
And Whereas it is apprehended that it would be very incon-
venient for many of the Members to Attend at Annapolis at
that time, I have thought fit with the Advice of His Lordship's
Council of State further to prorogue the same, And I do
hereby further prorogue the same to Monday the tenth day of
June next: And to the intent that all Persons concerned may
have due Notice thereof I do Strictly charge and require the
several Sheriffs of this Province to make this my Proclamation
publick in their respective Counties in the usual manner as
they will answer the Contrary at their Peril. Given at Annap-
olis this 20th day of April in the Fifteenth year of his Lord-
ship's Dominion Annoq Domini 1765.

Upton Scott Clk Con.

At a Council held at the Governor's on Tuesday the 21st day of May in the Fifteenth year of his Lordship's Dominion Annoq Domini 1765. Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Daniel Dulany and John Ridout Esq^{rs}

Ordered that the present General Assembly of this Province which stands prorogued to Monday the tenth day of June next be further prorogued to Monday the Seventh day of October next, and the following Proclamation issued to the several Counties accordingly.

Maryland ss.

By His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation.

Whereas the present General Assembly of this Province stands prorogued to Monday the Tenth day of June next, And Whereas it is apprehended that it would be very inconvenient for many of the Members to Attend at Annapolis at that time, I have thought fit with the Advice of his Lordships Council of State further to prorogue the same, And I do hereby further prorogue the same to Monday the seventh day of October next, And to the Intent that all Persons concerned may have due Notice thereof I do Strictly Charge and require the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as they will answer the Contrary at their Peril. Given at Annapolis this 21st day of May in the Fifteenth year of his Lordship's Dominion Annoq Domini 1765.

Upton Scott Clk Con.

At a Council held at Bellair on Wednesday the 28th day of August in the Fifteenth year of his Lordship's Dominion Annoq Domini 1765.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble Benjamin Tasker Benedict Calvert and John Ridout Esq^{rs}

Read the Conviction of Fleetwood Benson of Frederick County whereby it appears that the Justices of a Special Court

Lib. J. R. held in the said County had passed sentence of Death on the
& U. S. said Fleetwood Benson for Feloniously stealing One Dun
p. 395 Gelding of the Price of Fifteen Pounds Current Money the
Goods and Chattels of a certain Hugh Terrance.

Ordered Dead Warrant for the Execution of the said Fleetwood Benson on Wednesday the 18th day of September next which issued accordingly

His Excellency having Read the Letters and Depositions relating to Cap^t John Ireland's Shooting of Negro Frank Slave of Charles Carroll Esq^r was pleased to Order a Nolle Prosequi and Pardon for the said John Ireland which issued accordingly.

N. B. The Proceedings relating to the above Affair are Recorded in Lib. J: R fol^o 169.

At a Council held at the Governor's on Thursday the 12th day of September in the Fifteenth year of his Lordship's Dominion Annoq Domini 1765

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Charles Goldsborough and John Ridout Esq^r

Ordered that the present General Assembly of this Province which stands prorogued to Monday the Seventh of October next, be called on Monday the 23^d of this Instant and the following Proclamation issued to the several Counties accordingly.

Maryland ss

By his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation.

Whereas the present General Assembly of this Province stands prorogued to Monday the Seventh day of October next, And Whereas some Business for the General Utility of the Province requires their Attendance before that time, I have thought fit with the Advice of his Lordship's Council of State to Order that this General Assembly Meet and be held at the City of Annapolis on Monday the 23^d day of this Instant September, And to the Intent that all Persons concerned may have due Notice thereof, I do Strictly charge and require the several Sheriffs of this Province to make this my Proclamation publick in their respective Counties in the usual manner as

they will answer the Contrary at their Peril. Given at Annapolis this 12th day of September in the Fifteenth year of his Lordship's Dominion Annoq Domini 1765

Lib. J. R.
& U. S.

Upton Scott Clk Con.

Read the Petition of Sundry Inhabitants of Ann Arundel and Frederick Counties in behalf of Fleetwood Benson a Felon under Sentence of Death in Frederick County Goal.

Ordered that Pardon issue to the said Fleetwood Benson, which issued accordingly.

At a Council held in the Council Chamber on Monday the 23^d day of September in the Fifteenth year of his Lordship's Dominion Annoq Domini 1765.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benj: Tasker, Col^o Hammond, Rich^d Lee Cha^s Goldsborough and Jn^o Ridout Esq^{rs}

His Excellency acquaints this Board that his Lordship the Right honourable the Lord Proprietary had appointed Henry Hooper Esq^r a Member of the Council and the Upper House of Assembly and that he attends in order to be Qualified who takes the several Oaths to the Government Subscribes the Abjuration and Test and takes the Oath of a Councillor and thereupon takes his place at the Board accordingly. p. 396

At a Council held in the Council Chamber on Friday the 27th day of September in the Fifteenth year of his Lordship's Dominion Annoq Domini 1765.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble Benj: Tasker, Sam^l Chamberlayne, Edw^d Lloyd, Rich^d Lee Rob^t Henry D^l Dulany, John Ridout, Cha^s Goldsborough and Henry Hooper Esq^{rs}

Read the Report of the Justices of Prince Georges County relating to the Convictions of Negro Charles Slave of Thomas Lancaster and James Slave of Rob^t Tyler whereby it appears that they had in August Court last passed Sentence of Death on the said Negroes for feloniously breaking open the Meat House of a certain Benjamin Harwood and Stealing from thence a large Quantity of Bacon the Goods and Chattels of the said Benjamin Harwood.

Lfb. J. R.
& U. S.

Ordered that Pardons issue to the above Negroes which issued accordingly. And likewise Ordered that a Letter be written by the Clerk of this Board to John Hepburn Esq^r recommending to him to bind the said Negroes to their Good Behaviour it appearing from their Conviction that they are Persons of ill Fame.

Read the Representation of the Justices of the Provincial Court relating to the Conviction of Edward Rudgkins, and John Hubbert for Murder, and Rich^d Smith for Felony

Ordered that a Reprieve issue to Rich^d Smith which issued accordingly and Ordered that Dead Warrant be issued for the Execution of Edw^d Rudgkins and John Hubbert on Friday the 4th day of October next, which issued accordingly.

At a Council held at the Governor's Saturday the 26th day of October in the Fifteenth year of his Lordship's Dominion Annoq Domini 1765.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benj^a Tasker, John Ridout, and Cha^s Goldsborough Esq^{rs}

His Excellency was pleased to lay before this Board the following Letter from Cap^t Hawker.

Sardoine New Castle River, Delawar 22^d October 1765
Sir

In Consequence of Applications made to me by the respective Governors of New Jersey and Pensilvania I have taken the Stamp Papers for these Provinces on Board His Majestys Ship Sardoine, under my Command, till a place of Safety could have been provided for them, and understanding there were also some for Maryland brought by the same Ship (Royal Charlotte) and Imagining your Honour had not the Opportunity of making the same Application to me, I therefore, as it related to his Majesty's Service, and out of Respect to you have taken them also on board me, and beg your directions for the disposal of them as soon as Possible.

I am with great Regard Sir.

Your most humble and Obedient Servant

Ja^s Hawker

p. 397 The following Answer thereunto being prepared, was Read and approved of, and by his Excellency transmitted accordingly.

Annapolis 25th October 1765. Lib. J. R.
& U. S.

Sir

I return you thanks for the Letter you were pleased to write the 22^d Instant, to Advise me of your having received, on Board his Majesty's Ship Sardoine, the Stamp Paper, which had been Shipt in the Royal Charlotte for this Province. As We have no place of Security where the Paper was it to be landed, could be lodged I should be afraid to have it brought on Shore, till I can communicate to the Assembly which is to meet here next Thursday, the Contents of your Letter and receive their Advice on the Occasion lest otherwise the Paper should be destroyed by the Populace. In the mean time I must desire the favour of you to keep the Paper on Board the Sardoine, unless you should have an Opportunity of puting it on Board some other of his Majesty's Ships, bound to this Province

I am &c.

At a Council held at the Governor's on Thursday the 31st day of October in the Fifteenth year of his Lordship's Dominion Annoq 1765.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble Benj: Tasker Benedict Calvert, John Ridout and Henry Hooper Esq^{rs}

Ordered by His Excellency the Governor, with the Advice of this Board, that the present General Assembly, which was this day to have met, be further prorogued to Friday the 1st day of November next, there not being a Sufficient number of Members of the Lower House met to make a House and Proclamation issued accordingly.

At a Council held at the Council Chamber on Friday the 29th day of November in the Fifteenth year of his Lordship's Dominion Anno Domini 1765.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Benedict Calvert, Dan^l Dulany and Henry Hooper Esq^{rs}

His Excellency is pleased to lay, before this Board a Writ for the Election of a Delegate for the City of Annapolis, and desires their Opinion whether or not he Ought to Sign it.

The Consideration of this Matter is putt off until to Morrow Morning.

Lib. J. R. At a Council held at the Council Chamber on Saturday the
& U. S. 30th day of November in the Fifteenth year of his Lordship's
Dominion Anno: Domini 1765.

Present as yesterday

On resuming the Consideration of the Question proposed
yesterday, This Board do Advise his Excellency to Sign the
Writ.

p. 398 At a Council held at the Council Chamber on Tuesday the
10th day of December, in the Fifteenth year of his Lordship's
Dominion, Anno Domini 1765.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Benedict Calvert, Dan^l Du-
lany, Jn^o Ridout & Henry Hooper Esq^{rs}

Captain Evan Shelby, being examined before this Board,
made the following Deposition.

Captain Evan Shelby being examined concerning some re-
ports, which have been Spread, concerning a Number of
Armed Men being Collected to come down to Annapolis, Saith,
that when he came from Frederick Town, on Friday last,
there were between three and four hundred Men there, many
of them armed with Guns and Tomahawks, that he did under-
stand they were about to Choose Officers, and to March down
in Companies to Annapolis, in Order to settle the Disputes
betwixt the Two Houses of Assembly, in relation to passing
the Journal, and that he was informed by Joseph Flint and
Ralph Matson, that they heard Col^o Cresap say, that nothing
would be done unless the People did come down, that the
People did say, they would come down in a Civil Manner, to
see whether the Business was done, and if it was not, they
would not return until it was done, That he was desired, by a
number of them, to head One of the Companies, and on his
refusal they desired him to Acquaint the People at Annapolis
that they were coming. Evan Shelby.

10th December 1765. In the Council Chamber

Taken and Sworn to before

Henry Hooper.

Mess^{rs} William Lux, and John Burgess Magistrates of this
County, being sent for, give the following Information.

William Lux and Jn^o Burgess Magistrates of Ann Arundel County, being examined do say, that they were commanded and compelled, by a Number of the Inhabitants on Elk Ridge, to come down to Annapolis on this Day, and to have a Conference with the Members of this County, in Order to learn, what State or Situation the Journal was in, and to send an Express immediately to acquaint them therewith; and that according to the Contents or Tenor of such Express, a Number of them would, or would not, be within Sight of the City of Annapolis to Morrow or the next day, where they would halt and wait for these Examinants to come forth to them; as they did not intend to come into the City, but if a favourable Answer (as was expected) was received, were determined immediately to proceed to their Respective Homes.

Lib. J. R.
& U. S.

Tuesday 10th December 1765.

His Excellency by the Advice of this Board, sends the following Message to the Lower House of Assembly.

Gentlemen of the Lower House of Assembly Having this Afternoon received certain Information, that between three and four hundred Men, many of them Armed with Guns and Tomahawks were assembled on Friday last at Frederick Town in Frederick County, and about to choose Officers, intending to March hither in Companies, in order (as they expressed themselves) to settle the Disputes betwixt the two Houses of Assembly in relation to their passing the Journal, and that such their Proceedings were supposed to be Owing to Col^o Cresap's Declaring, as he lately returned home thro' the County, that nothing would be done unless the People did come down, and having been likewise informed, that some of the Justices of this County, who reside near Elk Ridge, have been commanded and compelled by a great Number of People, that live in that Neighbourhood, to come this day to Annapolis, in order to learn from the Members for this County, what State or Situation the Journal is in, and to send an Express immediately, to acquaint the People therewith, that according to the Contents or Tenor of such Express, a number of the People will, or will not, be within Sight of this Place to Morrow or next day; I think it my Duty to communicate to you the Information I have received, and recommend it to you, to consider seriously the Consequence, of large Bodies of People being Prompted to come hither on such Account, or assembled with a View to intimidate either Branch of the Legislature, or to lay them under any Restraint.

p. 399

10th December 1765.

Hor^o Sharpe.

Lib. J. R. At a Council held at the Council Chamber on Wednesday
& U. S. the 11th day of December, in the Fifteenth year of his Lordship's Dominion Anno: Domini 1765.

Present as yesterday.

His Excellency is pleased to lay before this Board the following Address from the Lower House of Assembly.

To His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the House of Delegates.

May it please your Excellency

In Answer to your Message of last Night, We assure your Excellency, We are very sensible of the bad Consequences of large Bodies of People coming hither with a View to intimidate either Branch of the Legislature, or to lay them under any Restraint. We shall therefore, immediately take every Step in our Power to prevent any Measures that may have such Tendency, to which End, We Pray your Excellency to lay before us the Evidences you have received of the Arming or Assembling of any Bodies of People with that Intention.

We are very sorry to find such an Imputation on a Member of Our House, as that laid on Col^o Cresap, and We yet have hopes your Excellency's Information in that Particular is without just foundation, as it appears by Our Journals that he has not attended the House since the 22^d of November, at which time, We conclude, he left this Place, and when it could not be foreseen that any Difficulties would arise between the two Houses in relation to the Payment of any Public Claims.

As We should be very far from Countenancing in any of our Members a Conduct Tending to Disturb the Public Peace and deprive any Branch of the Legislature of that Freedom of Debating and Judging which is essential to the Constitution, We think it in Justice due to the Public as well as to Col^o Cresap, that this Charge against him should be examined and set in a true Light, and therefore hope your Excellency will Communicate to this House the Evidence on which the Charge contained in your Message is founded.

11th December 1765

Read and assented to

By the Lower House of Assembly

Sign'd p order

Rob^t Lloyd Speaker.

D^r David Ross being sent for makes the following Deposition.

D^r David Ross deposeth, and saith, that some time before the 1st of last November, to wit about the 27th or 28th of last

October, he was at a place called Sharpsburgh, in Frederick County, where M^r Chapline was then making over Sundry Lib. J. R. & U. S. Lotts in that Town to Persons who had purchased them of the said Chapline, and that the said Persons being solicitous to get their Conveyances Perfected, before the Stamp Act should take place, Col^o Sam^l Beall attended as a Magistrate to take the Acknowledgements of M^r Chapline, that some time in the Evening of the Day, when the above Business was transacted, M^r Chapline was told, that there was an Express come to him, upon which he left the Company, and returning in a very short time, produced a Writing to the People who were Assembled, and told them he had received it by Express, from Col^o Thomas Cresap, in order to get it Signed by the People, that M^r Chapline gave the Writing to Col^o Beall to read it to the People there met, and that it was a Writing Addressed to the Lower House of Assembly, in Substance as follows, to the best of this Deponents' Memory and Belief viz^t It expressed a Satisfaction of the Conduct of the Lower House, in Opposing the Stamp Act, and intimated a Reliance that they would Endeavour, like the Renowned antient true Roman Senate, to Suppress any future Attempt to deprive them of their Liberty, it also expressed, that the Signers were informed, that a very large unjust Claim in Tobacco, was made against the Public, by a Particular Gentleman in Annapolis, preventing the Payment of other just Claims, and desiring that if the said unjust and dishonourable Claim should still be insisted upon, that the Lower House would give speedy Intelligence, in order that the Signers might come down, and cause Justice to take Place, This Deponent saith, that after the said Writing was Read by Col^o Beall, he this Deponent read it, and counted the number, who had then Signed it to be about Thirty five, but that none of the Company present, when the said Writing was Produced did Sign it in the presence of this Deponent; This Deponent remembers, that M^r Chapline jocularly asked Col^o Beall if he would Sign, who answered, that he did not like Hanging, or Words to that Effect, and this Deponent saith, that observing the Writing to be of a Threatning Nature, he jocularly asked, if no Riffle Men could be got from above, and that it was then said, by some of the Company, that it was one of the Old Colonels Schemes, by whom he understood Col^o Cresap to be meant.

Council Chamber 11th December 1765.
Sworn before Henry Hooper

David Ross.

On Consideration of the whole, His Excellency, with the Advice of this Board, sends to the Lower House, a Copy of the

Lib. J. R. above Deposition, and Copies of Cap^t Shelby's Deposition,
& U. S. and the Information of William Lux & John Burgess, taken
before this Board yesterday together with the following
Message.

Gentlemen of the Lower House of Assembly

p. 401 I think myself obliged to you for the Regard you have paid
to the Message I thought it my Duty to communicate to you
last night. That you may see on what Foundation that part
of my Message which relates to Col^o Cresap, and the People
who are said to have assembled in Arms at Frederick Town,
was founded, I shall agreeable to your desire, herewith send
you the Copy of a Deposition that was made yesterday by Cap^t
Evan Shelby, with one of D^r Ross's, relative to a Paper ad-
dress't to your House, that was, it seems lately handed about
in Frederick County to be Signed. Whether such Paper has
even been Presented to your House, you best know, if it has,
the Author or Original Mover of it, might I suppose be easily
traced, and you will, I have reason to believe on a proper Ex-
amination of Jacob Young, James Miller and other Inhabit-
ants of Frederick County, discover how far Col^o Cresap has
been Instrumental in promoting Measures that have a Tend-
ency to disturb the Public Peace, and to deprive the several
Branches of the Legislature of that Freedom of Debating and
Judging, which is essential to the Constitution. What I inti-
mated with Regard to the People that live near Elk Ridge, was
communicated to me by M^r Will^m Lux and M^r John Burgess
of that Place, a Copy of whose Information I likewise send you
Inclosed

11th December 1765.

Hor^o Sharpe.

At a Council held at the Council Chamber, on Tuesday the
17th day of December, in the Fifteenth year of his Lordship's
Dominion Anno domini 1765.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Daniel Dulany, and Jn^o Rid-
out Esq^{rs}

Read the Report of the Justices of Baltimore County, con-
cerning the Conviction of Negro Cesar, Slave of Benjamin
Rogers, of said County, whereby it appears, that they had
passed Sentence of Death on the said Negro, at November
Court last, for setting fire to the Barn of Ja^s Bosley.

Ordered Dead Warrant issue for the Execution of the said Negro on Friday the 27th Instant which issued accordingly. Lib. J. R.
& U. S.

At a Council held at the Governor's, on Monday the 10th day of February, in the Fifteenth year of his Lordship's Dominion, Anno Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Daniel Dulany, and Jn^o Ridout Esq^{rs}

His Excellency is pleased to lay before this Board the following Letters.

St James's 24th Oct^r 1765.

Sir

It is with the greatest Concern, that His Majesty learns the Disturbances which have arisen in some of The North American Colonies. If this Evil should Spread to the Government of Maryland, where you preside, the utmost Exertion of your Prudence will be necessary, so as justly to temper your Conduct between that Caution and Coolness, which the Delicacy of such a Situation may demand, on one hand, and the Vigour necessary to Suppress Outrage and Violence, on the other. It is impossible, at this Distance, to assist you by any Particular or Positive Instruction, because you will find yourself necessarily obliged to take your Resolution, as Particular Circumstances and Emergencies may require. p. 402

His Majesty, and the Servants He honours with his Confidence, cannot but lament the ill-advised Intemperance shewn already in some of the Provinces, by taking up a Conduct, which can in no way contribute to the Removal of any real Grievances They might labour under, but may tend to Obstruct and impede the Exertion of his Majesty's benevolent Attention to the Ease and Comfort, as well as the Welfare of all his People.

It is hoped and expected, that this want of Confidence in the Justice and Tenderness of the Mother Country, and this open Resistance to its Authority, can only have found place among the lower, and more ignorant of the People, The better, and Wiser part of the Colonies will know, that Decency and Submission may prevail, not only to redress Grievances, but to obtain Grace and Favour, while the Outrage of a Public Violence can expect nothing but Severity and Chastisement. These Sentiments you and all His Majesty's Servants, from a Sense of your Duty to, and Love of your Country, will en-

Lib. J. R. deavour to excite and encourage. You will all, in a particular
& U. S. Manner, call upon them not to render their Case desperate.
you will, in the strongest Colours, represent to them the
dreadful Consequences that must inevitably attend the forcible and violent Resistance to Acts of the British Parliament, and the Scene of Misery and Calamity to Themselves, and of mutual Weakness and Distraction to both Countries, inseparable from such a Conduct.

If by lenient and persuasive Methods, you can contribute to restore that Peace and Tranquillity to the Provinces, on which their Welfare and Happiness depend, you will do a most acceptable and essential Service to your Country; But, having taken every Step, which the utmost Prudence & Lenity can dictate, in Compassion to the folly and Ignorance of some misguided People, you will not on the other hand, fail to use your utmost Power for the repelling all Acts of Outrage and Violence, and to Provide for the Maintenance of Peace and good Order in the Province by such a timely exertion of Force, as the Occasion may require; for which purpose you will make the proper Application to General Gage, or Lord Colvill, Commanders of His Majesty's Land and Naval Forces in America. For, however unwillingly His Majesty may consent to the Exertion of such Powers, as may endanger the safety of a Single Subject, yet can he not permit his own Dignity, and the Authority of the British Legislature to be trampled on by Force and Violence, and in avowed Contempt of all Order, Duty and Decorum.

If the Subject is aggrieved, he knows in what manner legally and Constitutionally to apply for Relief, but it is not suitable either to the Safety or Dignity of the British Empire, that any Individuals, under the pretence of redressing Grievances, should presume to Violate the Publick Peace.

I am with great Truth and Regard

Sir your most obedient humble Servant

H: S: Conway.

Sir

I am directed by the Lords Commissioners of His Majestys Treasury, to Signify to your Excellency, their desire, that you will give your Aid and Assistance, to the Distributor of
P. 403 Stamps within your Government, in whatever may relate to his Duty in the Execution of his Office, under the Act passed in the last Session of Parliament, and that you Excellency would be particular in seeing that the Chief Distributor do appoint under Distributors in every proper Town and Place within your Government, and that each of the said under Distributors, be well supplied with Stamps for all Demands, and

that your Excellency would be very attentive to the Detection of any Frauds which may arise in this Branch of His Majesty's Revenues, and in case it shall have happened that any Chief Distributor residing in your Government, hath not given Security for the due Execution of his Office, that your Excellency will take Care, that he do forthwith execute his Bond for the same, which Bond when executed your Excellency is desired to return to the Stamp Office. My Lords so much depend upon your Attention to the public Service, that they can not doubt of receiving Information from your Excellency in case any Remissness in the Execution of the Office of the Chief Distributor within your Government, or other Mismanagements or Abuses whatsoever shall appear to you

I am

your Excellency's
most Obedient humble Servant

Treasury Chambers
11th September 1765.

Cha: Lowndes

The above Letters being Read, and the matters contained in them, being found to be of much Importance, and requiring mature Deliberation, The Consideration thereof is deferred until the next Meeting.

Read the following Petition.

To His Excellency Horatio Sharpe Esq^r Governor of Maryland.

The humble Petition of John Granger of Dorchester County Sheweth:

That M^r Robert How one of the Justices of this County, (having bought a pretended Title to a Piece of Land, of which your Petitioner and his Father before him, have for many years been quietly and peaceably possessed (and to which your Petitioner apprehends he has a just and legal Title) being armed with loaded Pistols and other Dangerous Weapons, did on the twentieth day of this Ins^t in the Absence of your Petitioner forcibly and in a violent manner, enter into your Petitioner's house which stood on the said Land, in order to get into Possession thereof, and your Petitioner upon his return to the House finding the said How in the House, and the Door shut fast against him, did, notwithstanding the endeavours of the said How to the Contrary, with some Difficulty get the Door open and enter into the said House, upon which the said How (having two loaded Pistols with him) fired one of them at your Petitioner, and your Petitioner thereupon immediately closed with the said How, who in the Scuffle that ensued be-

Lib. J. R. tween them, was unfortunately and accidentally killed, as your
& U. S. Petitioner verily believes by the said How's falling on a Sword that your Petitioner had in his hand. And your Petitioner further sheweth that tho' he is innocent of having killed the said How, yet he is now confined in close Goal for the same, and as the sitting of the Provincial Court is so remote, and your Petitioner will be obliged to lie in close Prison the whole Winter, the Expences attending so long a Confinement, will be more than your Petitioner, who is very poor, will ever be able to discharge, and therefore he most humbly prays, that your Excellency will be graciously pleased to grant a Special Commission for the Speedy Trial of your Petitioner in this County, and he as in Duty bound will ever pray

John Granger.

p. 404 It is the Opinion of this Board, that as Public Justice does not require a Special Commission the Petition of the Party is not a Sufficient Foundation for issuing it, and that he ought to be left to the Common Course of Law.

Ordered that the Clerk of this Board make Application to M^r Ghiselin to know what Sheriffs' Bonds for this year have been returned into the Secretarys Office.

Ordered that the present General Assembly of this Province which stands prorogued to the 1st Monday in March next, be further prorogued to the 1st Monday in May next and Proclamations issued accordingly.

At a Council held at the Governor's on Thursday the 13th day of February in the Fifteenth year of his Lordship's Dominion Anno Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Dan^l Dulany and John Ridout Esq^{rs}

His Excellency was pleased to lay before this Board the following Letters, in answer to those he had received from General Conway and Cha^s Lowndes Esq^r which were Read and approved of and were by his Excellency transmitted accordingly.

Annapolis in Maryland 12th February 1766.

Sir

A Duplicate of the Letter, you were pleased to address to me the twenty-fourth of October last, having been brought

hither a few days ago by the Post from New York, I do myself the honour to acknowledge my Receipt thereof, but must at the same time inform you, that altho' the People of this Province have not gone such lengths as those of New York and some other of the Northern Colonies, their Sentiments with respect to the Stamp Act seem to be much the same, and had M^r Hood who was appointed to distribute the Papers in this Province attempted to execute his Office, It would not I believe have been in my Power to protect him. In the Letter I took the Liberty to Write to the Earl of Halifax the fifth of September last I informed his Lordship that M^r Hood had a few days before retired to New York where he has remained ever since so that when Cap^t Brown, Commander of His Majesty's Sloop Hawke, arrived here in December with some of the Stamp't Paper destined for this Province, there was no Person authorized to receive and distribute it, had the People been disposed to make use of it, wherefore as the Lower House of Assembly were averse to its being landed, and there was no place of Security here in which it could be lodged, I by advice of the Council, desired Cap^t Brown to keep it on Board, and to his doing so it is probably owing that there hath been no Disturbance here, since that of which I gave an Account in my abovementioned Letter to the Earl of Halifax. Had I not been convinced that it would be Impossible, without a considerable Military Force, to carry the Act of Parliament into Execution here, while it was opposed so violently in the other Colonies, I should have called upon M^r Hood to execute his Office, and have promised to support him in Discharge of his Duty, but after the proceedings of the People at New York in the Presence of General Gage and a Body of his Majesty's Forces, I presume that nothing more would be expected from me, under such Circumstances, than to preserve Peace and good Order in the Province where I have the honour to preside, until I could receive his Majesty's Instructions, and I flatter myself with hopes that my Conduct on the Occasion will not be condemned, but meet with his Majesty's Approbation.

Lib. J. R.
& U. S.

p. 405

I am &c.

To the Right honble General Conway

Hor^o Sharpe

Annapolis 10th February 1766.

Sir

In Answer to the Letter you wrote to me the 14th of Sept^r last, by Order of the Lords Commissioners of his Majesty's Treasury, which I have lately received, I must desire you to acquaint their Lordships, that if the Person appointed to distribute the Stamp Paper within this Province could with any

Lib. J. R. Security have proceeded to the Execution of his Office, I
 & U. S. should have thought it my Duty to give him all the Aid and Assistance in my Power, and would have punctually complied with their Lordship's Requisitions, but M^r Hood the Distributor, being terrified by the Proceedings of the Populace, in this as well as the Neighbouring Colonies, retired some Weeks before the Stamp Act was to take place to New York where he still remains, and as I had no Reason to expect that the People of this Province would Suffer him to execute his Office, when almost all the other Distributors on the Continent had been obliged to resign, I did not think it advisable to call upon him to qualify under his Commission, or to expose himself to Insults by returning to the Province, when His Majesty's Service could not be thereby at all promoted, There being in his Absence no Person authorized to receive the Stamp't Paper which was consigned to him, and no Place of Security here in which it could be lodged, I desired Cap^t Brown of His Majesty's Sloop Hawke, who had brought hither a Parcel of it, to keep it on Board, until Instructions could be received from His Majesty's Ministers concerning it, with which request of mine he has Complied and still remains at Anchor in this Port.

I am &c.

To Charles Lowndes Esq^r

Hor^o Sharpe.

This Board being informed by His Excellency the Governor, that an Indian Woman had been left in this City by a certain Gilbert Younger, who had formerly served in the Maryland Forces, and had been taken Prisoner some years since by the Indians from amongst whom it was Conjectured he had inveigled her, is of Opinion, that she ought to be sent back to her friends in order to relieve them from that uneasiness which her Absence may have excited amongst them; Ordered in Consequence of this Opinion that the Clerk write the following Letter to John Welsh of Baltimore County.

Sir

The Governor being desirous of sending an Indian Woman to her friends, who has been left at this place by a Man of the Name of Younger, and understanding, from M^r Dulany that you had mentioned William Roberts, who lives on Pipe Creek, as a proper Person who would be willing to Conduct her, has directed me to write to you in Order to learn on what terms he would be willing to undertake to carry her, either to
 p. 406 Pittsburgh or Bedford, as might be thought most expedient. I am therefore to request that you will acquaint M^r Roberts, by the first Opportunity that you have of either seeing or writing to him, that the Governor will be glad to know what

sum he will ask for delivering her at either of the above Lib. J. R.
Places; Indeed I apprehend that the Man's best method would & U. S.
be to come to Annapolis himself, if his Business will admit of
it. Be pleased to let me know as soon you can whether he
may be depended on for this Service.

I am &c.

Annapolis 14th Feb^y 1766.

Upton Scott Cl: Con:

It being Reported to this Board, in Consequence of the
Order at last Meeting, that only two Sheriffs' Bonds are yet
returned into the Secretary's Office. Ordered that the Clerk
write the following Letter to each of the Respective Clerks of
the Counties from whence Returns of the Bonds have not been
made.

Sir

I am directed by the Governor and Council to acquaint you,
that the Bond taken from the Sheriff of your County, for the
faithful Performance of his Duty this year hath not been
Lodged in the Secretary's Office, According to the directions
of the Act of Assembly. You will be pleased to inform your
Court of this Matter that the Bond may be immediately trans-
mitted thither 13th February 1766.

I am &c.

Upton Scott Clk Con.

N. B. The above Letter was Sent to the Clerks of Calvert,
P: Georges, Fred^k Balt^o Kent, Q: Anns, Talbot & Somerset
Counties.

At a Council held at the Governor's on Wednesday the 26th
day of February in the Fifteenth year of his Lordship's Do-
minion Annoq Domini 1766.

Present His Excellency Hor^o Sharpe Esq^r Governor.

The honble Benjamin Tasker, Daniel Dulany, and John
Ridout Esq^r

M^r Dulany lays before this Board the following Letter and
Paper desiring their Advice on the present Occasion.

Sir

The shutting up the Publick Office and thereby impeding
Justice, being of the greatest consequence to the Community,
The Sons of Liberty have resolved to Assemble at the City of
Annapolis on Friday the 28th Instant in order to obtain that
Justice which has been so long withheld, and of this you are to

Lib. J. R. take Notice and be at home to receive them, hereof fail not at
& U. S. your

Sir

To the honble Daniel Dulany Esq^r Your Obed^t Serv^{ts}
Secretary of the Province of Maryland. Sons of Liberty

I beg leave to represent to this honourable Board that I received, this Day the Letter hereunto annexed, and have understood a Number of People are expected to Assemble here on the 28th Instant, in order to oblige the several Officers to open their Offices, and without paying any Regard to the late Act of Parliament for imposing Stamp Duties in America, to proceed to Business, and there is the greatest Reason to apprehend from the present popular Intemperance that, if any Officer should refuse to act as required, He will be exposed in his Person and his Property, to the Rage of the Populace.

I thought to have availed myself of the Circumstance of M^r Calvert's Death, and the appointment of M^r Hammersly to the Office of Secretary, but have been given to understand that if
p. 407 my Commission is at an End the Governor will be called upon to make a new Appointment.

In Proceeding to Business at this time, I should Act against my own Sentiments, and should have no Scruple in laying down my Office to avoid that very disagreeable Situation, if there were not Reasons to apprehend the most inconvenient Consequences to the Governor from my taking that Step, and in those, the utter Subversion of all Order.

A new Appointment requires the use of Stamp Paper, as much as the Process in the Courts of Law, and if a due Respect to the person of the Governor should not be preserved, He seems to have as little Power to protect himself, as I have, but if that Respect should be openly, and Violently trampled upon, and personal Indignities be offered, the Example, and the Consequences would be much worse in his Case than in that of a Subordinate Officer constrained to yield to the Times.

Under these Circumstances I request the Advice and Opinion of this Board, what Part I ought to take?

If matters should be pushed to the Extremities apprehended in Regard to the Officers, and there be probable Grounds to expect that upon my Resignation no Application for the purpose intimated will be made to his Excellency, I shall not hesitate one Moment in Resigning my Office. If it should be thought expedient for me to Continue in it in Order to avert the greater Inconvenience of an Insult to the Person of the Supreme Magistrate, I shall give up all thoughts of Resigning. If the latter Course should be advised in the present Distrac-

tion, I should still Incline to hold out, as far as can be expected from an Individual, and purpose therefore, if thought fit, that some Gentlemen of this Board may be appointed, with whom, as Emergencies shall arise, I may Consult, and with whose Concurrence I may Act for my own Justification.
Annapolis 26th Feb^y 1766. Dan^l Dulany

Lib. J. R.
& U. S.

It is the Advice of this Board, that M^r Dulany consult with the Gentlemen of the Council who shall be in Town, in Concert with whom he will take such Measures as the peculiar Exigency of Affairs upon that Occasion may require.

The following Letter to the Attorney General is Read.

Worcester County 22^d Feb^y 1766.

Sir

One John Collings of this County is Bound over to the Provincial Court or to the next Court of Oyer and Terminer that shall be held for this County, to answer a Charge of Manslaughter, Several of the Witnesses as well for as against the Proprietary are Excessively poor, and would prove very disadvantageous to them to be carried to Annapolis, under these Circumstances I have taken the Liberty of acquainting you therewith, in order that if you think Proper, that he should receive his Tryall in the County, to make Application and use your Influence with his Excellency to Grant a Special Commission for the Trying of the said Collings. Your favour in the above will be acknowledged by those poor Witness's as also by

Sir

Your most Obed^t humble Servant

To Edmund Key Esq^r

Geo: Hayward

It is the Opinion of this Board, that M^r Key should be directed to write for the Presentment and Indictment, in order that the Council may be able to Judge whether a Special Commission should issue or not.

At a Council held at the Governor's on Saturday the 29th day of March in the Fifteenth year of his Lordship's Dominion Annoq Domini 1766. p. 408

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable Benjamin Tasker, Daniel Dulany and John Ridout Esq^{rs}

Lib. J. R. His Excellency was pleased to lay before this Board the
& U. S. following Petition from Numbers of the Inhabitants of Frederick County.

To His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

The Petition of the Subscribing Inhabitants of Frederick County.

Most humbly Sheweth

That the present Scarcity of Money so sensibly felt throughout the whole Province is no where so fatal in its Consequences or pressed down with heavier Aggravation of Suffering, than within the Precincts of this County wherein the Numbers of the Public Creditors and the amount of their respective just Demands are well known far to exceed the Proportion of other Counties whose Properties they have defended in Attempting to secure their own and by keeping the Savage Enemy at a Distance, supported the Barrier, to the irreparable Loss of many poor Families among them whose Fathers, Brothers, Wives, and Children fell under the Gun or the Tomahawk, and by receiving the Bloody Stroke themselves averted it from those who shook at a Distance and were ready to fly, they knew not whether upon a bare Surmize of a remote Danger whereof they could not possibly form the least adequate Idea.

That most of the Survivors of such distressed Families their Children and Reliques are Inhabitants of this County where the Remembrance of their Losses the Ruin of their Fortunes, and the want of Payment of their Just Demands, upon the public for Services wherein their Lives, their Substance their all were embarked, have rendered them Objects of the Highest Compassion, and hold them forth to View as worthy the Care and Attendance of the Public, as being the most useful as well as most distressed of its Members.

That their hopes of Relief were vastly raised by your Excellency's Speech to both Houses on the Opening the Session the 26th of September last wherein your own benevolent Mind as well as your intimate knowledge of and Concern for the Welfare of the Province so strongly shine out, Hopes founded on the Strongest Foundation, a Provincial Fund established to be supported by easy and long experienced Methods of Taxation to be turned by way of Bills of Credit into common Circulation, for the more easy Discharge of Public and Private Contracts and by getting into the hands of Public Sufferers bring some tho' very partial Recompence of their long felt distresses, it being evident that such as are paid their original

Demands at the distance of ten years must necessarily lose more than half by the Interest. Lib. J. R.
& U. S.

That these hopes however fair and rational were disappointed your Excellency needs not be informed of, That no Bills of Credit were Struck, no Payment of Public allowed Claims made out of the Treasury in any manner whatsoever is evident and that your Excellency did the utmost in your Power to forward and Expedite the same your Petitioners are fully convinced, and do thus Publicly acknowledge.

That the short Recess of Assembly so necessary during the bad Season of the year being expired your Petitioners hoped the General Assembly at their next Meeting might have fallen on some Methods of adjusting their several Debates so necessary for the Well being of the Province, but the late Prorogation having placed the hopes of Relief at a much farther distance hath rendered the Circumstances of numbers of the unhappy Claimants truly deplorable their Credit being entirely ruined and indeed many have already been forced to run away from their private Creditors merely for want of having their publick dues discharged, and others for a present Relief have been forced to make over their Claims at a very Low Proportion. p. 409

That in Times of Great Distress every little delay of Relief is distracting and by frequent Repetitions become intolerable your Petitioners therefore humbly pray your Excellency will please to issue a Proclamation for calling the Assembly together as early in the Month of April as to your Excellency shall seem most Convenient, whereby the hope of the distressed People may be revived.

And your Petitioners as in duty bound will ever pray &c.

Signed by about Four hundred and fifty

5th March 1766.

Subscribers.

On Consideration of the above Petition this Board is of Opinion that as the Assembly stands prorogu'd to the 1st Monday in May next, the short Time that could be gained is not a Sufficient Reason for calling the Assembly sooner, they further submit to his Excellency whether it will not be proper to recommend in a particular manner the Case of the Petitioners to the Assembly at their next Meeting.

Read the Conviction of Negro Beck whereby it appears that the Justices of Calvert County had passed Sentence of Death on the said Negro for setting fire to and burning the Tobacco House and Tobacco therein contained belonging to a certain

Lib. J. R. Joseph Smith of the said County Planter and Master of the
& U. S. aforesaid Negro Beck.

The Consideration of this Matter is postponed until some further Information can be had of her Character.

Read the following Letter from the Justices of Charles County and also the Depositions of John and Catherine Burges relating to the Conviction of Negroes Jack and Sue Condemned for the Murder of a certain William Garner of said County.

To his Excellency Horatio Sharpe Esq^r Governor of Maryland

May it please your Excellency

You will observe by the Copy of a Record herewith delivered to you that at a Court held for Charles County on the 2^d Tuesday of this Instant Negro Jack and Negro Sue the Slaves of M^{rs} Constant Chapman, were tryed and Condemned for the Murder of a Certain William Garner, and We being of Opinion that the Evidence against Negro Sue (which principally Consisted in Declarations of what William Garner said in his Sickness) was too Vague and uncertain to Convict her of the Crime wherewith she stood Charged And as this Testimony is since much Lessened or Rather Contradicted by the Depositions of John Burgess and Catherine Burgess We humbly beg leave to recommend the said Negro Sue to your Excellency's Mercy and Clemency, and are

your Excellencys most Obed^t humble Servants.

20th March 1766

Tho^s Stone

Rich^d Harrison

Walter Hanson

Sam^l Hanson

Dan^l Jenifer

Geo: Dent

Tho^s Contee

J: Hawkins

p. 410 The Deposition of John Burges Aged forty Seven years being duly sworn to declare and relate what he heard William Garner late of Charles County declare on his Death Bed Saith, He the Deponent being Uncle to said Garner went to see said Garner said to be murdered by a Negro Man and two Negro Women of M^{rs} Constant Chapmans The Deponent then asking said Garner how it happened, whether he thought the Women assisted by Stabbing him or any way else, the said Garner answered that he did not know, but believ'd that they did not, and further said not

his
John ~~f~~ Burges
mark.

The Deposition of Catherine Burges Aged fifty years or thereabouts being sworn as above Saith that she went to see

the aforesaid William Garner while on his Death Bed and that she asked him said Garner whether he thought the aforesaid Women had any hand in Murdering of him, he answered he believed they had not. The Deponent saith that three different times she put the aforesaid Question and received the same Answer, And further saith not.

Lib. J. R.
& U. S.

her
Catharine X Burges
Cha^s County ss Taken 15th day March 1766.

Mark
Jn^o Dent.

Ordered that Pardon issue for Negro Sue, which issued accordingly, and that the further Consideration of Jack's Case be put off until the next Meeting.

His Excellency is pleased to lay before this Board the following Letter and Deposition relating to the Murder of a Mohock Indian

Philadelphia 11th March 1766.

Sir

I lately received Information that one of the Six Nation Indians returning from the Cherokee Country was Murdered on the 11th of January last on the Road between Fort Cumberland and Fort Bedford within this Province. I intended to have issued a Proclamation offering a Reward for discovering and apprehending the Murderer but finding by the Examination of Cap^t Lemuel Barritt who lives near the place where the said Indian was found, that there is great Reason to believe the murder was Committed by one Samuel Jacobs, who is said to have fled into the back parts of Virginia or Maryland, I think it most adviseable to defer my Proclamation till I have first tried every other means in my Power to secure the Offender.

I take the Liberty of enclosing you Cap^t Barritt's Deposition and description of Jacobs' Person, at the same time requesting you will cause Strict search to be made for him throughout your Province, as you must be sensible of the ill Consequences that will ensue if all necessary Steps are not pursued in order to bring to Justice this Lawless Villain, as well to convince the Indians of our good Intentions towards them, as to deter others from the same Conduct, which if We cannot fall upon some means of putting a Stop to, We may reasonably expect to be again involved in the Miseries of another Indian War.

I shall make S^r William Johnson acquainted with this unhappy affair and the Measures taken to give our Friends the Six Nations all the Satisfaction in our Power, that he may represent the matter in a proper light to them, so as to prevent

Lib. J. R. any ill Consequences that might otherwise happen from their
& U. S. Presentment.

I have the honor to be with great Regard
Sir Your most Obed^t hble Servant
To His Excellency John Penn.
Governor Sharpe.

P. 411 Copy Lemuel Barrett of Cumberland Valley in Cumberland County in the Province of Pensylvania, being Sworn on the holy Evangelists of Almighty God Deposeth and Saith That on the Twenty fourth day of January last past this Deponent being informed that the body of an Indian had been found by one Edward Askin, near the high Road leading from Fort Cumberland to Fort Bedford, he this Deponent Collected together upwards of twenty of his Neighbours, among whom was a certain Samuel Jacobs, and went with them to View and bury the Body of the said Indian. That upon inspecting the said Body, he found that the said Indian had been Shot with a Bullet thro' his Body the Ball appearing to have entered in at his Breast a little above the Pit of his Stomach, and to have come out between his Shoulders, That the head was Scalp'd and his Belly and Breast ripped open. That he this Deponent was informed (after he first heard of the said Indian's being Murdered) by his Servant Man Samuel Lyon that on the eleventh day of the same Month of January he saw the said Indian pass along the high Road and Conversed with him about half a Mile from the place where his Body was found, and that the aforesaid Samuel Jacobs had Cross'd the said Road with a Gun in his hand a few Minutes after the Indian had left the said Samuel Lyon, and further that within a Quarter of an hour afterwards he the said Samuel Lyon had heard the Report of a Gun about the place where the said Indian was killed, from whence this Deponent suspected that the said Samuel Jacobs had been concerned in the said Indian's Murder. This Deponent further saith that he informed his Neighbours as they stood round the said Indians Body that he had heard it asserted, that if a Murderer touch'd the Dead Body of the Person he had Slain, the Carcass tho' Lifeless would bleed, and therefore he proposed to them to try the Experiment and by that Method they would either acquit themselves of all Suspicion of having killed the said Indian or if any Person then present had really killed him he would be discovered and his Guilt be made Evident or to that purpose. That this proposal being generally agreed to, he this Deponent and all the Rest of the Company (except the aforesaid Samuel Jacobs) very ready touch'd alternately the said Indian's Body,

but the said Samuel made some hesitation when it came to his turn, and his Countenance changed and he appeared Confused, but at last on the Importunity of the Company, touch'd the said Body, That this Behaviour of the said Samuel induced the Company to Suspect and charge the said Jacobs with the killing the said Indian, but he absolutely denied it. That after they had buried the said Indian, this Deponent was informed by one of the Company whose name is Thomas Elby, that in some Conversation with the said Jacobs, the said Elby persuading him to discover where the said Indian's Gun was, the said Jacobs had denied that he knew any thing about the said Gun, but told the said Elby that the night before he had dreamt that it was hid under a logg about two hundred yards from the Main Road near a Run of Water which crossed the said Road. That on this information this Deponent took one Thomas Jones with him and left the Company with an intent to search for the Gun, at the Place described which he was well acquainted with, and after they had taken a Circuit a different way in the Woods to conceal from the said Jacobs and the rest of the Company what their real design was, he this Deponent and the said Thomas Jones went down to the before mentioned Run, and found the said Indian's Gun his Powder horn and Shot Bagg lying under a log about two hundred yards from the Road aforesaid, That they thereupon were Confirmed in their former Suspicions that the said Jacobs was the Murderer of the said Indian and immediately returned to the said Company with an Intent to apprehend and carry him before a Justice of Peace to be dealt with according to Law, but to their great surprize were informed by the Company that the said Jacobs had followed him the said Jones and this Deponent into the Woods and that they had not seen him since. This Deponent further saith that it was then Evening and too late to pursue him, and that the said Jacobs hath absconded and never made his appearance in that part of the Country since, but that he has been informed he was seen soon afterwards in the back parts of the Colony of Virginia, and further this Deponent saith not,

Taken and Sworn March 6th 1766.

Lemuel Barritt

Before me Will^m Allen Chief Justice.

A Description of Samuel Jacobs, the Person suspected to have Murdered the Mohock Indian on the 11th of January 1766.

A thick well set Man with a bold look about 5 feet 8 Inches high 27 years of Age wears his own hair which is Short, and frizled, of a light brown Colour, pock marked and has a Scar

Lib. J. R. on the Right side of his Belly near the bottom, he was born in
& U. S. America and Speaks English very distinctly but rather slow.

It is the humble Advice of this Board that his Excellency should write to M^r Darnall recommending to him to issue his Warrant, and use his utmost endeavours to get the above described Samuel Jacobs Apprehended.

Copy of the Deposition and Description of Jacobs being made out for M^r Darnall was transmitted accordingly.

At a Council held at the Governor's on Monday the 14th day of April in the Fifteenth year of his Lordship's Dominion Annoq Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Daniel Dulany and John Ridout Esq^{rs}

Ordered Dead Warrant issue for the Execution of Negro Jack Slave of Constant Chapman's of Charles County on Wednesday the 30th of this Instant April which issued accordingly.

Read a Transcript of the Conviction of Negro Robin the Slave of a certain Thomas Hayward jun. of Somerset County as also the following Recommendation of the Justices of said County and Tho^s Haywards Letter to the Chief Justice.

Sir

Your Excellency will discover by the foregoing Transcript that Negro Robin the Slave of M^r Thomas Hayward jun^r stands Convicted for the Aiding and Assisting a certain Negro David in the Murder of a certain Henry Selby, and for as much as it appeared in Evidence on the Tryall of said Negro Robin that he was only present but disavowed the Act, and endeavoured to Stop the other Negro from entering the House before he Shot the Gun, yet the Jury found him Guilty, and forasmuch as he stands Convicted on so Slight Testimony we thought We could but in Justice represent his Case to your Excellency and recommend him to your Mercy.

We are your Excellency's most Obed^t & very humble Serv^{ts}

Will^m Allen

Adam Spence

Jn^o Scarborough

Joshua Mitchell

Jn^o Selby

Somerset County 27th March 1766.

p. 413 Sir

Am informed that my Negro Man Robin was Convicted of a Capital Offence at your last Court, and that the Testi-

mony upon which he was Convicted, was as Slight Testimony ^{Lib. J. R.}
as ever Man was Convicted on, what could induce the Jury ^{& U. S.}
to Convict him upon such Testimony I know not unless they
suspected he was an old Offender if that was what they went
on, do assure you they were greatly Mistaken for now tell you
upon my Reputation that the fellow Supported a good Char-
acter not only with me but with all the Neighbours where I
resided. Now Sir as am informed you intend to Annapolis
very soon desire you would lay the poor Fellow's Case before
his Excellency, And make no doubt from his known Goodness
and Mercy will grant the poor fellow his Pardon and that
without Transportation that being a matter I must desire to
be excused from as I cant think he in any Sort deserves it.

I am with Esteem your very humble Servant
To Will^m Allen Esq^r Thomas Hayward jun^r

On Consideration of the above Letter and Recommenda-
tion of the Justices, His Excellency with the Advice of this
Board was pleased to Order that a Pardon should issue for
the aforesaid Negro Robin, which was issued accordingly.

Read the following Petition of Sundry Justices of Fred-
erick County.

To His Excellency Horatio Sharpe Esq^r Governor and
Commander in Chief in and over the Province of Maryland.

The Petition of the Subscribing Magistrates of Frederick
County.

Most humbly sheweth

That your Petitioners, with great Sorrow and Regret find
themselves obliged to accuse two of their own Members of a
Scandalous Abuse of that Power which your Excellency hath
thought proper to intrust them with in joint Commission with
your Petitioners.

That without insiting upon other Irregularities, your Peti-
tioners will Confine themselves at present to the Information
they have received of Cap^t Evan Shelby, and M^r Joseph War-
ford, in a Case of Fornication, as follows.

That a certain Catherine Wheate, Daughter of Conrad
Wheate, in the Month of September last, Charged Thomas
Hynes, on Oath, before Cap^t Thomas Price, one of his Lord-
ship's Justices of this County, with being the Father of her
Bastard Child. Whereupon Cap^t Price took Recognizance
for her appearance at November Court, and also for the
Man's appearance and made return thereof accordingly.

Lib. J. R. That the said Hynes appearing at the said November Court,
& U. S. but the young Woman not appearing, the matter was respited
till March Court following.

That Hynes, in the Interim, apply'd to Cap^t Evan Shelby for a Warrant to take the Child from the said Catherine its Mother, which was granted in the form of a Search Warrant for Stolen Goods; and in pursuance thereof, on the 2^d December Barnett Johnson Constable of Linton hundred, with five more, went to the House of Conrad Wheate, and after calling for Whiskey, and making other Pretences, at Length demanded of Conrad Wheate to deliver up his Daughter's Child, pretending they had an Order of Court for it: Which Wheate demanding to see the Order, and finding the same only to be an Order of Cap^t Shelby's, refused to comply with, as his Daughter was under Recognizance already. Upon which
p. 414 Refusal a Riot ensued, a Door being broke open, and several of the People of the House severely beaten by the Constable and his followers, who seized the Child, and carried it to the House of Ralph Matson where Cap^t Shelby was, who received the Child from the Constable, and delivered the same to Will^m Hynes.

That Joseph Flint, and Thomas Brooks being offered on the young Woman's part as her Security for keeping the Child off the Parish, were refused by Cap^t Shelby, who also threatened that if ever he caught Conrad Wheat in Maryland he would have him cropp'd for disobeying his Orders in not giving up the Child, and declared if he had gone there in Person he would have burnt Wheate's House over his Head and at the same time took Bond in his Lordship's behalf of William and Thomas Hynes in the Penalty of £100 to keep the Child off the Parish.

That upon Complaint of Conrad Wheate and the others who had been beaten Hynes and the other Rioters were brought before M^r Joseph Warford, where finding the matter more serious than they had imagined, and likely to become a Court Business, Thomas Hynes gets the Girl on his Lap, and (as M^r Warford writes in his narrative) was very Sweet. Whereupon M^r Warford Advised the young Man, to a Marriage, which was at Length agreed upon, the Girl's Father promising to give the young Couple £30 & a £5 Wedding.

That during these Transactions, Cap^t Shelby demanded of Joseph Warford a Warrant for the young Woman's fine, which M^r Warford refused to Grant he also refused to sign one drawn up by Cap^t Shelby, and presented to him for that purpose. Whereupon the Cap^t Signed it himself, had her immediately taken into Custody, and again discharged her

on receiving a Promissary note from Thomas Hynes for the amount of her fine. Lib. J. R.
& U. S.

That Cap^t Shelby at Length proceeded to the Marriage Ceremony, which he performed by asking the young Man whether he would take that Woman to his lawful Wedded Wife? and put the same Question, *mutatis mutandis* to the young Woman; after which he pronounced them to be lawful Man & Wife, saying Jump Dog, Leap Bitch, and I'll be damned if all the Men on Earth can unmarry you.

That the new married Couple were put to bed in M^r Warford's own Bed, with the usual Ceremonies of throwing the Stocking &c. M^{rs} Warford having previously received five Shillings for the use of the said Bed. And the whole Proceedings on the Riot &c. quashed at once.

That some time after the young Couple had been left to themselves, the young Man wanted to leave his Consort: and opening the Door would have come out. But was prevented by Cap^t Shelby, who opposed him with a fork in his hand, which he threatened to jobb into his Gutts if he attempted to leave his Wife. Whereupon the young fellow retired peaceably, and was found by the Company early in the Morning fast asleep in Bed with his Consort.

That a review of the above recited Transaction may be sufficient to shew how incapable either of the above mentioned Persons are to sustain the dignified Character wherewith they are invested; and how unworthy of that high Trust which their ignorance of the Laws, whereby the Community is to be regulated, their assuming to themselves Powers with which they are not invested, and their turning the Execution of their Office by indirect Means to their own private Emolument and the scandal of Public Justice, have so grossly abused.

Your Petitioners therefore humbly pray that the aforesaid Captain Evan Shelby, and M^r Joseph Warford may be left out of the Commission for the Peace in Frederick County, that the whole Body (otherwise, We hope, respectable) may not be wounded thro' their Sides or laughed at as their Associates. And, as in Duty bound they will ever pray &c.

p. 415

Andrew Hugh	Will ^m Blair
Peter Bainbridge	T: Dickson
Tho ^s Price	W ^m Lockett.

Ordered that the Clerk Write the following Letter, which was transmitted under a Cover to M^r Darnall.

Gentlemen

I am Ordered by the Governor and Council to inform you, that in Considering a Petition preferred to his Excellency by

Lib. J. R. you, complaining of the Behaviour of Cap^t Evan Shelby and
& U. S. M^r Joseph Warford two Magistrates of Frederick County,
they observe the following Words made use of Viz^t "without
insisting upon other Irregularities" which contain an Insin-
uation that there are other matters of Complaint against these
Gentlemen, besides those set forth in your Petition, and as
they propose to make a full enquiry into the Truth of the
Misbehaviour of these Magistrates, they desire that you will
transmit to them whatever further Charges you have against
the said Cap^t Shelby and M^r Warford, in Order that the whole
may be examined together

I am

Gentlemen your most Obed^t Servant

Upton Scott Clk Con.

To Mess^{rs} And^w Hugh, P: Bainbridge
T. Price, W: Blair, J: Dickson, &
W: Luckett, Justices of the Peace
for Frederick County.

Application having again been made to his Excellency for
a Special Commission for the Tryal of John Granger of Dor-
chester County, it is the Advice of this Board that as the
Provincial Court Adjourn'd without proceeding to any Trials
the said Commission be granted which was Ordered accord-
ingly.

F: Baltimore

Frederick Absolute Lord and Proprietary of the Provinces
of Maryland and Avalon in America Lord Baron of Baltimore
in the Kingdom of Ireland. To Our Trusty and well beloved
Horatio Sharpe Lieutenant Governor of Our said Province
The honourable Daniel Dulany Esq^r and John Morton Jordan
Esq^r Send Greeting. Know ye that We taking into Our Con-
sideration the State and Condition of Our Reserved Lands in
Our said Province and being desirous to extend and promote
the Cultivation and Improvement thereof and for that purpose
to grant to the good Tenants of our said Province such Perma-
nent Interests therein as may encourage and Invite them to
undertake and Prosecute the same to their own Emolument
and the Public benefit of Our said Province Have Given full
Power and Authority to you and the Survivors and Survivor
of you as We do by these presents Give full Power and
Authority to you and the Survivors and Survivor of you for
Us and in Our name to Grant Sell and dispose or otherwise to
Treat Contract and Agree for the Granting Selling and dis-
posing of All or any Our said Reserved Lands or Manors in

Our said Province as well Cultivated as Uncultivated to all and every Person or Persons who shall be Willing to purchase the same for such Considerations and Prices respectively upon such Terms and Conditions and under such Rents and Reservations and in such manner and form as by Our Orders and Instructions under Our hand and Seal bearing even date with these Presents Are and is in that behalf Specified and Declared Which Orders and Instructions We have directed to be Entered in the Council Books of Our said Province and do declare to be of the same force and Validity as if inserted in these presents And for the Purposes aforesaid We do hereby Authorize and Empower you and the Survivors and Survivor of you to Seal and as Our Act and Deed in due form of Law to Deliver All Proper Deeds Conveyances Assurances Contracts and Agreements also to receive the Consideration or Purchase Money to be thereon paid and to Sign Receipts and give Acquittances for the Money to be so received and paid which shall be Sufficient Discharges to the Persons Paying the same for the Money to be so received And Generally to do all such Acts which shall or may be Requisite and Expedient in the Premises in as full and ample manner to all Intents and Purposes as We Ourselves might or could do if Personally present And whatsoever you the Horatio Sharpe Daniel Dulany and John Morton Jordan or the Survivors or Survivor of you shall lawfully do or Cause to be done in the Premises during the Continuance of these presents (which We will to be for the Space of two years from the Day of the Date hereof and no longer) We do by these presents and shall and will at all times hereafter Ratify Confirm and allow to all Intents and purposes whatsoever Revoking as We do hereby Revoke all Powers and Authorities at any time heretofore given by us to you the said Horatio Sharpe and to any other Person or Persons in Our said Province touching or Concerning the Sale or other Disposition of Our said Reserved Lands or any part thereof more particularly our Orders and Instructions given to you the said Horatio Sharpe and to Benedict Calvert and George Steuart Esq^{rs} the Judges of Our Land Office and to Edward Lloyd Esq^r the Receiver General of Our said Province bearing date the day of January One Thousand seven hundred and Sixty Five. Given under Our hand & Lesser Seal at Arms at London this Twenty first day of February in Fifteenth year of Our Dominion of the said Province and in the year of Our Lord One Thousand Seven hundred and Sixty Six.

By his Lordship's Command
Hugh Hamersley Secretary.

F. B.

Lib. J. R.
& U. S.

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Lib. J. R. F: Baltimore
& U. S.

Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon in America Lord Baron of Baltimore in the Kingdom of Ireland. To Our Trusty and well beloved Horatio Sharpe Esq^r Lieutenant Governor of Our said Province, The honourable Daniel Dulany Esq^r and John Morton Jordan Esq^r

Instructions to be Observed and Pursued by you touching the Sale of the Reserved Lands in Our said Province Referred to by Our Commission of even date.

Whereas I the said Frederick Lord Baltimore as Absolute Lord and Proprietor of the said Province of Maryland am Seized of or otherwise well Entitled to diverse large and Valuable Tracts of reserved Lands called Manors Situate
p. 417 and being within the said Province which are capable of great Improvements by proper Encouragement to purchasers And I being desirous to promote the Settlement and Cultivation of my said Province and the Prosperity and well being of my good People and Tenants therein by Granting them such Permanent Interests in my said Reserved Lands and upon such beneficial Terms as may invite them to take up and Prosecute the Improvement thereof have therefore by my Commission or Instrument in Writing under my hand and Lesser Seal at Arms bearing even date with these Presents Authorized and Empowered you or the Survivors of you to Sell and Dispose or to Contract and Agree for the Sale and Disposal of my said reserved Lands as well such of them as are already under Cultivation as such of them as Still remain Uncultivated upon such Terms nevertheless and under such Restrictions as I should by my Instructions thereby referred to Direct and appoint for that purpose.

Now my Instructions are And it is my Will and Intention

1st That you do Cause my said Commission of even date together with these Instructions to be Entered in the Council Books of my said Province

2nd That you do forthwith (if necessary) cause an Exact Survey and Return to be made of all my said Reserved Lands or Manors Distinguishing what are Cultivated and Tenanted and what are not so with the Counties and Parishes where they respectively lye and the numbers of Acres, Situation, Soil, Circumstances and Conditions thereof respectively. And as to the Lands already Cultivated and Tenanted further distinguishing the respective Leases and holdings to what Persons and in what Quantities and for what number of years or other Term and at what yearly or other Rents and upon what

Terms respectively Let holden or enjoyed. In making which Lib. J. R.
Returns and in Accomplishing every part of the Business of & U. S.
this my Commission All the Officers of my said Province are
to Contribute their utmost Assistance when called upon by
you for that purpose as they will answer the Contrary at their
Peril.

3rd That all and every such Sales Dispositions, or Contracts
which shall be so made by Virtue and under the Authority of
my said Commission shall Observe and pursue and shall be-
come Valid and Effectual by the Observance and Performance
of and under the following Terms Conditions and Restrictions
and not otherwise that is to say.

4th That all the said Reserved Lands Cultivated and Un-
cultivated be Put up to Sale in Different Lotts and Assort-
ments, to be by you previously made and regulated, not ex-
ceeding five hundred Acres where the Lands are already
Cultivated, nor a Thousand Acres where they still remain Un-
cultivated, in each Lot but I would recommend it to my Com-
missioners rather to Moderate and reduce the Particular
Allotments below this Standard than to Carry them to the
Extent Limited where the Circumstances of the Case do not
require it, of which my Commissioners will give me due
Satisfaction.

5th That proper and Exact Maps or Plans (if necessary) be
faithfully Delineated and made of each Lot to be Publicly
Exhibited to & Inspected by every Person requiring the same
without Fee or Reward at such Convenient times (not being
less than thirty days before each Sale) and at such Places as
you shall appoint for that purpose by Proclamation or Notice
in the Maryland Gazette to be Continued therein Eight times
within One Month and that the time of the intended Sale be
likewise Specified therein

6th That every Lot be put up to Sale Separately and Dis- p. 418
tinctly by Publick Auction or Bidding to be so Notified and
that the highest Bidder be the purchaser.

7th Provided Nevertheless, And It is my Will and Pleasure
In case Purchasers shall not Offer at the times of such Public
Auction or Sale for all the Lots to be then put up according to
the Terms and Conditions of these my Instructions, That
Such Lots be again put up to Sale at a Publick Bidding upon
fourteen Days further Notice to be Signified as aforesaid upon
the like Terms and Conditions. And if purchasers shall not
then Offer That in such Case you be at Liberty to sell such
Lots by Private Contract under the like Regulations and Re-
strictions in every other Respect as herein are directed. But
in Case of such Sales by Private Contract you are to Proceed

Lib. J. R. with great Caution and Circumspection and to render me by
& U. S. the first Opportunity a very Particular Account of your Proceedings with the Reasons for the Same.

8th That such Lands as are uncultivated and at present Untenanted be not sold for less than thirty Pounds Sterling Money of Great Britain for every One hundred Acres and so in proportion for a greater or less Number of Acres and also Six pence Sterling for each Acre to defray the Expence of Surveying and other Incidents And that there be reserved thereon An Annual Quit Rent of Eight Shillings or more If to be got but not less than four Shillings Sterling Money aforesaid payable half yearly upon every One hundred Acres and so in proportion for a greater or less Number of Acres and also a fine upon every Death or Alienation being not less than a year's Improved Rent.

9th That such Lands as are Cultivated and Tenanted be Put up to Sale at and not sold for less than one hundred Pounds Sterling Money for every One hundred Acres over and above the Six pence Sterling per Acre to be paid for the Charges of Sale and so in proportion for a greater or less number of Acres or more according to the Natural Fertility and Convenience of such Cultivated Lands and the particular Circumstances Attending the same and that there be reserved the present Annual Quit Rents or more and also a fine on every Death or Alienation of One year's Improved Rent at the Least.

10th That Twenty five Pounds p Cent or One Fourth of the Purchase Money be immediately paid to you either in Money or in good Bills of Exchange payable to me or my Order in London by every Person who shall be declared by you the Purchaser of each Lot at the time of his being so declared, And that the Remainder of the purchase Money shall remain a Charge upon the purchased Lands and shall together with the reserved Rents be further secured by the Purchaser's Bond payable to me my heirs and Executors in London with a Sufficient Penalty till paid the whole to be paid within three years from the time of such Declaration of Purchase and being divided into thirds to be paid by as many equal Payments at the end of each of the three years the whole without Interest for the first year when the first Payment being made the remaining two thirds are to Carry Interest at Six Pounds p Cent p Annum for the last two years and the Purchaser upon full payment of his Principal and Interest within the Respective times aforesaid and after having Completed his last Payment and paid the Reserved Quit Rents then due to have proper and Legal Conveyances from me or my Heirs, such Conveyances being taken at the Purchaser's Expence.

But in Default of any of the said Payments the said Lands shall be again Sold by Auction but for Ready Money only and out of the Produce I am to be First paid the Remainder of my Original Purchase Money with Interest at Six pounds per Cent from the respective defaults in Payment and the Residue is to go to the former Vendee. But if the Lands upon such Re-Sale shall not produce more than Sufficient in ready Money to pay the remaining Debt and Interest then the Original Deposit of £25 p Cent is to be forfeited and the Lands are to revert to me and my Heirs.

Lib. J. R.
& U. S.
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11th That all such Purchase Deeds or Conveyances be by Bargain and Sale to be Enrolled in my Land Office in the Particular County where the Lands lye or in my General Land Office at Annapolis and that all future Alienations of such Lands be by Bargain and Sale to be Enrolled as aforesaid and a proper Covenant under Adequate Penalties taken from the Purchasers for that Purpose.

12th That a Reservation be made to me and my Heirs of all Gold and Silver Mines whatsoever which now are or hereafter shall be discovered upon the Lands to be sold or any part thereof together with all other Clauses and reservations usually inserted in any former Alienations made by me or my late Honored Father for these last Thirty years and particularly proper Clauses to Enforce the due Cultivation within a reasonable time of such Lands as shall be sold for Uncultivated Lands.

13th That for all the Lands to be sold by you there be allowed you by me and Retained to Each of you two Pounds p Cent for Commission in full Recompence and Satisfaction of all your trouble in the Premises and that such Commission be so retained Proportionably out of the purchase Money to be paid and as the same shall be so paid without any allowance of Interest during the time any part of Such Commission shall be withheld and Kept back Save from such time only as the same and every part thereof shall be actually paid and received to or for my Use.

14th That the Money to be so received by you be forthwith remitted to me in London in good Bills of Exchange or in Specie and that the Bills to be taken in my favour be remitted in like manner.

15th Provided always that in Case of Fraud Collusion or other Contravention of these my Instructions and not otherwise All Sales or Contracts for Sales to be made by Virtue or under Colour of these Presents shall be Revokable by me or my Heirs for the space of Twelve months from the date thereof. But if not Revoked within that Term the same shall

Lib. J. R.
& U. S. be then Absolute. If Revoked notice thereof shall be immediately given And the Money Advanced returned to the Purchaser with the usual Interest of the Province and Compensation also made for all Sums of Money which shall bona fide have been laid out for Clearing Improving or Building on any part of the Lands Contained in such Sale to be Ascertained by Arbitration

16th You are to Observe that these my Instructions and the Commission on which they are attendant are to be executed by or under the Authority of all my Commissioners jointly and not otherwise. But in Case any one of my three Commissioners shall Die or Depart the Province before the Authority thereby Delegated shall have been fully and compleatly Carried in Execution Then It is my Will that the President of the Council of my said Province for the time being shall succeed to and be invested Jointly with the two Surviving or Remaining Commissioners in all the same Powers and Authoritys as are thereby given to such Dying or Departing Commissioner together with the two Commissioners therein named and that as fully and amply as if he had been Originally named therein.

17th That these Presents and my Commission of even date
p. 420 be and remain in full force for Two years from the day of the date of these Presents and no longer.

Given nunder my hand and lesser Seal at Arms this Twenty first day of February in the Fifteenth year of my Dominion of the said Province and in the year of Our Lord One Thousand Seven hundred and Sixty Six.

By his Lordship's Command

F: B.

Hugh Hamersley Secretary.

At a Council held at the Governor's on Monday the 5th day of May in the Sixteenth year of his Lordship's Dominion Annoq Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker Sam^l Chamberlaine Rich^d Lee, Benedict Calvert Dan^l Dulany John Ridout and Henry Hooper Esq^{rs}

Ordered by his Excellency the Governor with the Advice of this Board that the present General Assembly which was this day to have met be further prorogued to Tuesday the 6th day of this Instant and Proclamation issued accordingly.

Tuesday 6th May 1766. Present as yesterday.

Lib. J. R.
& U. S.

Ordered by His Excellency the Governor with the Advice of this Board that the present General Assembly which was this day to have met be further prorogued to Wednesday the 7th day of this Instant and Proclamation issued accordingly.

Wednesday 7th May 1766. Present as yesterday.

Ordered by His Excellency the Governor with the Advice of this Board that the present general Assembly which was this day to have met be further prorogued to Thursday the 8th day of this Instant and Proclamation issued accordingly.

Thursday 8th May 1766. Present as yesterday.

Ordered by his Excellency the Governor with the Advice of this Board that the present general Assembly which was this day to have met be further prorogued to Friday 9th day of this Instant and Proclamation issued accordingly.

At a Council held at the Council Chamber on Monday the 12th day of May in Sixteenth year of his Lordship's Dominion Annoq Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable Benjamin Tasker Sam^l Chamberlaine Rich^d Lee, Dan^l Dulany, Jn^o Ridout Cha^s Goldsborough and Henry Hooper Esq^{rs}

Read the Conviction of Negro Beck and the following Letter from Charles Grahame Esq^r relative to the said negro Beck's setting fire to and burning the Tobacco House and Tobacco therein Contained belonging to a certain John Smith of Calvert County Master of the aforesaid Negro. p. 420

Sir

On Sunday last I received your favour of the 26th Ultimo Want of an Opportunity to forward an Answer has till now prevented my Writing. When the Negro Woman belonging to John Smith was Convicted, the Court made what Enquiry they could into her Character. She appeared but little sensible of her Situation at her Trial and after it was over, And the Court directed the representation to his Excellency, which accompanied the Record of her Conviction, her youth and Confession of the Fact appearing to be the only Circumstances in

Lib. J. R. her favour. It appears that M^r Smith being absent from the
 & U. S. Plantation, the negro drew some Cyder out of a Cask in an Out
 House and left it runing, this being discovered before M^r Smith
 returned home, her Mistress threatened to tell her Master
 and have her whipped, The Wench during her Master's
 absence applied several times to her Mistress begging forgive-
 ness for this fault and praying she would conceal it from her
 Husband, but she refused. On this refusal and despairing of
 better Success on repeating her Application, the Negro went
 into the Kitchen took a live Coal from the fire, carried it
 between two Chips to The Tobacco House, which was but a
 small distance and of a low Pitch and applied it to some Corn
 Fodder which was under the Eves of the House, and the Wind
 blowing hard, blew up the Coal which immediately kindled the
 Fodder and the Tobacco together with the House, the Dwell-
 ing House and some other Out-houses were entirely con-
 sumed. The Conflagration was so sudden and but few People
 on the Plantation that but little of the Household furniture
 was saved. On Monday last M^{rs} Smith came to my House and
 begged I would apply to the Governor for his Excellency's
 Pardon for the Wench, telling me if the Negro is Executed
 she never can forgive herself for obstinately Persisting in her
 Threats of having her punished for the fault she had Com-
 mitted, that she knows not whether she may not have been
 intoxicated with the Liquor she drew and that she has hereto-
 fore behaved herself as well as negroes in Common do, M^r
 Smith too is willing that His Excellency shew her Mercy.
 This is the best and fullest Information I can give in this
 matter and to enable his Excellency to determine on the Oc-
 casion I must not Omitt to mention that there have been two
 other Tobacco Houses full of Tobacco burnt in this County
 this Winter. One of them belonging to M^{rs} Eleanor Harrison,
 there is great Reason to Suspect was set on fire by her Negro
 Man Jack now in Prince George's County Goal, he lately es-
 caped out of the Prison of this County to which he had been
 committed for a Theft, and M^{rs} John Kent the Owner of the
 other suspects his to have been set on fire by some Person with
 design to prejudice him, as it was burnt at a Time when none
 of the Family had had fire in it for a great while preceeding the
 Accident.

Calvert County 3^d May 1766 I am Sir respectfully
 To Doctor Upton Scott your most obedient Servant
 Clerk of the Council Charles Grahame

The Consideration of the above Matter is further postponed
 untill the next Meeting.

At a Council held at the Council Chamber on Friday the 23^d day of May in the Sixteenth year of his Lordship's Dominion Annoq Domini 1766.

Lib. J. R.
& U. S.
p. 421

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker, Cha^s Hammond, Sam^l Chamberlaine, Rich^d Lee, Bened^t Calvert Daniel Dulany, Jn^o Ridout, Cha^s Goldsborough and Henry Hooper Esq^{rs}

His Excellency is pleased to lay before this Board the following Instructions, desiring their Opinion and Advice thereon.

Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon in America Lord Baron of Baltimore in the Kingdom of Ireland.

Orders and Instructions to be observed and pursued by Our Trusty and well beloved Horatio Sharpe Esq^r Our Lieutenant General and Chief Governor of Our Province of Maryland.

F: Baltimore

Whereas, It appears to me from Perusal of the Journals and Proceedings of the Assembly of Our said Province of Maryland, that various Altercations and Controversies have arisen and Subsisted for some years past between Our Upper and Lower Houses of Assembly as well touching the Application and Disposition of the Duties, Fines, Penalties and Forfeitures Arising from Ordinary Licences and other Licences Granted within Our said Province, as touching the Ordering and Regulating of the same Licences and the Collection and Receipt of the Duties, Fines Penalties and Forfeitures arising from the same, whereby Our Antient and Undoubted Rights and Prerogatives are drawn in Question, and Attempts made by one branch of the Legislative Authority in Opposition to the other Branches of the same Legislature to Divest us of Our said Revenue, and to appropriate the same at the Arbitrament and Appointment of one House, contrary to Our Dignity and equally Injurious to Our Public and Private Rights, to the great Interruption of the Business of Our said Assembly, and to the heavy Burthen and Expence of Our said Province. And we being advised, That the sole Power of granting, ordering, and regulating Licences within Our said Province with all Incidents thereto appertaining is vested in us by Virtue of Our Prerogative and Charter Rights, and the Antient Exercise and usage of the same by Our Noble Ancestors, I

Lib. J. R. do therefore hereby Strictly Enjoin and require you, that you
 & U. S. do not upon any Account Signify your Assent to any Bill
 whatsoever to be sent up to you from both or either of the
 Houses of Assembly of our said Province whereby Our Sole
 Right and Priviledge of granting Ordinary Licences, or any
 other Licences whatsoever within our said Province to such
 Persons and in such manner as we shall think fitting, shall or
 may be in anywise invaded Impeached, or otherwise drawn
 into Question, or whereby any Appropriation, Appointment
 or Disposition shall or may be made by both Houses or either
 House of Assembly within our said Province, of the Duties,
 fines, penalties, and Forfeitures arising or to arise from such
 Ordinary Licences or other Licences whatsoever at any time
 heretofore granted, or hereafter to be granted within our said
 Province otherwise than to our proper use and Benefit or to or
 for such uses Intents and Purposes to which I shall have
 Signified to you or our said Assembly my Previous Assent
 and Pleasure, or whereby any new Regulations, Modes of
 Collection or other Innovations shall or may be established or
 Introduced touching the same Licences or any of them, or
 touching all or any of the Duties, fines Penalties or Forfeitures
 arising or to arise thereby Unless and without an Express
 p. 422 Provision to be inserted in every such Bill whereby, the Opera-
 tion, Force, Validity, and Effect of every such Bill, and of
 every Clause, Article, matter, and thing to be inserted in every
 such Bill shall be suspended and remain in effectual for the
 Space of Eighteen Months at least, to be Computed from the
 day of your Assent to such Bill or untill such time as Our will
 and Pleasure shall be Signified to you thereon.

Given under my hand and Lesser Seal at Arms at London
 this seventh day of February in the Fourteenth year of my
 Dominion of the said Province and in the year of Our Lord
 One Thousand seven hundred and Sixty five.

By his Lordship's Order
 Cecil^s Calvert Sec^y

F: B.

The Consideration of the above Instructions is put off untill
 Monday Morning.

Ordered by his Excellency the Governor, with the Advice
 of this Board, that Dead Warrant issue for the Execution
 of Negro Beck, Slave of Joseph Smith of Calvert County, on
 Wednesday the fourth day of June next, which issued accord-
 ingly.

At a Council held at the Council Chamber on Monday the 26th day of May in the Sixteenth year of his Lordship's Dominion Anno Domini 1766. Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker, Cha^s Hammond, Sam^l Chamberlaine, Rich^d Lee, Rob^t Jenkins Henry, Daniel Dulany, Jn^o Ridout, Charles Goldsborough and Henry Hooper Esq^{rs}

The Instructions which his Excellency was pleased to lay before this Board on Friday last being again read, The honourable Dan^l Dulany, Rob^t Jenkins Henry Cha^s Goldsborough and Henry Hooper Esq^{rs} were appointed a Committee to examine into the Right Lord Baltimore Claims of granting Ordinary Licences and to Report what appears to them on the Occasion.

At a Council held at the Council Chamber on Tuesday the 27th day of May in the Sixteenth year of his Lordship's Dominion Anno Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable Benjamin Tasker, Dan^l Dulany, Sam^l Chamberlaine, Benedict Calvert, Rich^d Lee, John Ridout, Cha^s Goldsborough, Rob^t I: Henry and Henry Hooper Esq^{rs}

The Committee appointed yesterday, to examine into Lord Baltimore's Right to Ordinary Licences and to report thereon, lay before this Board the following Report.

In pursuance of the Reference of this honourable Board upon the Communication of his Lordship's Instructions to his Excellency the Governor bearing date the 7th February 1765, we have Considered the subject matter of the said Instruction and are of Opinion that his Lordship is not intitled either in Virtue of the Charter of this Province or any Act of Assembly to the Sole Right of granting, ordering and regulating the Licences of Inn-Holders or Ordinary Keepers within this Province.

We conceive that any Person by the Common Law of England might follow the Trade of an Innholder as well as any other Trade without the Licence of the Crown. It appears to us from Hutton's Reports 99 and 100 that this Point was solemnly determined in the 22^d Jac: upon a Conference at

p. 423

Lib. J. R. Serjeants Inn and that before that time in the Case of Sir
& U. S. Giles Mompesson and Francis Michel in the 19th Jac: the Prin-
ciple on which the Right to these Licences is Claimed was
effectually Condemned. Hume's Hist: of Jac. p: 75. Rush:
Coll: 26, 27 & 28 and Parliam^{ty} Hist: 5th Vol:

We find that there have been various temporary Acts of Assembly of this Province from time to time which have been passed for the regulation of Inns or Ordinaries, and that the Money arising from granting of Licences hath been applied to various uses, and that there have been intervals between the Expiration of some of the temporary Acts, and the enacting of others in which Inns or Ordinaries have been subject to no Regulation, and that since the year 1763 when the last Act for their Regulation expired the Business or Trade of Inn keeping has been Subject to no other Control, than that of the Common Law, which gives a Power to suppress an Inn upon its becoming a Common Nuisance. There are some Instances in the early times of this Province particularly in the year 1664. when the Governor granted Licences, and this Power seems to have been admitted in the year 1674. by the Lower House in a Message on that Subject but we conceive that inasmuch as no Act of Assembly vested the Right in his Lordship, or his Government, that the above Instances and the admission to be inferred from a Message, are not a sufficient foundation to build his Lordship's Claim upon, and that as Our Acts of Assembly are Silent on the matter, his Lordship's Title must Depend upon the Charter, which We conceive cannot be Construed to give him higher Prerogatives than belonged to the Crown by the Common Law.

The Instances alluded to we apprehend have still the less weight when opposed by the very numerous temporary Acts of Assembly regulating Inns or Ordinaries, and applying the Revenue arising from Licences to various purposes and by the non-user in the intervals between several Acts.

Lastly we conceive that if his Lordship is Entitled to the Licences, there must be some legal remedy to enable him to Compell Innholders or Ordinary keepers to obtain Licences but we do not know of any such Remedy nor have we heard any Suggested.

Rob^t Jenckins Henry
Daniel Dulany
Cha^s Goldsborough
Henry Hooper.

The above report being read, the Board do unanimously Concur therewith, and Ordered, that an Address Communi-

cating the said Report and Concurrence be presented to his Excellency. Lib. J. R.
& U. S.

27th May 1766.

Signed by Order
Upton Scott Clk. Con.

Benjamin Tasker Esq^r attended by the Members of this Board, presents to His Excellency the above Report and their Address which follows in these Words:

To his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the Upper House of Assembly.
May it please your Excellency

In Consequence of his Lordship's Instruction relative to the Ordinary Licences bearing date the 7th February 1765 being Communicated to this Board by your Excellency a Committee was appointed particularly to Consider the Subject thereof, and to make a Report of their Opinion.

Upon the Report of the Committee we are to inform your Excellency that the matter again fell under Our Consideration, and that we are unanimously of Opinion his Lordship is not intitled to the Ordinary Licences by Virtue of his Prerogative. The Report and Proceeding thereon, which attend this Address will shew to your Excellency the Grounds of Our Opinion. p. 424

Permit us further to intimate to your Excellency our Apprehension that, if his Lordship should still insist upon his Claim to the Ordinary Licences, upon which the above Instruction is founded, it will very much tend to the Obstruction of Public Business and be productive of very general Dissatisfaction.

As we have always been firm and Steady in the Support of his Lordship's just Rights without being deterred by popular Clamour from holding the Conduct which becomes Our Station, so we flatter Ourselves your Excellency will be persuaded nothing but a Conviction that his Lordship's Claim cannot be supported upon the Principles of Our Constitution hath induced us to make a Representation unfavourable to his Pretension

27th May 1766.

Benjamin Tasker President

Ordered that the above Report and Address be Recorded in the Council Proceedings and not in the Upper House Journal.

Read the following Letter from M^r Rich^d Tilghman jun^r Clerk of Queen Anns County.

Lib. J. R.
& U. S. Sir

Queen Anns County 6th April 1766.

I was favoured with yours of the 13th of February last and agreeable to the desire of his Excellency and their Honours signified therein, I immediately on the sitting of Our Court made them acquainted with your Letter who directed me to inform you that they have reason to believe that the Sheriff of this County has not given Bond for the faithful Performance of his Duty this year, as no such Bond has ever been laid before them for their Approbation.

I am Sir
your most humble Servant
Rich^d Tilghman Jun^r

Ordered that the Clerk of this Board write the following Letter to M^r Ja^s Edmondson Sheriff of Queen Anns County.

Annapolis 27th May 1766.

Sir

I am directed by the Governor and Council to acquaint you of their desire that you will immediately enter into Bond for the faithful performance of your Duty as Sheriff of Queen Anns County, this year, according to the Directions of the Act of Assembly, and that you will transmit it to the Secretary's Office as soon as it has been approved of by your Court.

His Excellency is much displeased that you have so long neglected to Comply with what was your Duty on this Occasion.

I am Sir
To Ja^s Edmondson Esq^r your most humble Servant
Sheriff of Queen Anns County. Upton Scott Clk Con.

The Bonds given by the Sheriffs of Dorchester, Kent and Ann Arundel Counties being laid before this Board and there being no Certificates upon them of their being approved of by the Respective County Courts. Ordered that the Clerk of this Board write the following Letter to John Dickinson, Joseph Nicholson, and Joseph Galloway the respective Sheriffs of these Counties.

Annapolis 27th May 1766.

Sir

Upon your Sheriff's Bond being laid before the Governor and Council for their Approbation it does not appear to them that it was taken by the Commissioners of the County Court agreeable to the Directions of the Act of Assembly, they have therefore directed me to acquaint you that they expect you will

immediately either get a proper Certificate of its being taken by the Commissioners of the County Court, or enter into a new Bond properly Authenticated, to be returned into the Secretary's Office as soon as Conveniently may be

Lib. J. R.
& U. S.

I am Sir

your most humble Servant
Upton Scott Clk Con.

To the Sheriffs of Dorchester, Kent, and Ann Arundel Counties.

The Sheriffs' Bonds of Cecil, Talbot, Baltimore, Calvert, St Marys, Charles, and Prince Georges Counties being examined were found to be drawn incorrectly and not according to the form Prescribed by the Act of Assembly. Ordered that the Clerk of this Board write the following Letter to the respective Sheriffs of these Counties.

Annapolis 27th May 1766.

Sir

Upon your Sheriff's Bond being laid before the Governor and Council for their Approbation, they find that it is not Correctly Drawn according to the form of the Act of Assembly nor does it appear to them that it was taken by the Commissioners of your County Court, They have therefore directed me to acquaint you that they expect you will immediately enter into a new Bond for the faithful Performance of your Duty this year, in which you will take care to comply with the form and directions of the Act of Assembly. The Bond to be returned to The Secretary's Office as soon as may be.

I am Sir

Your most humble Servant
Upton Scott Clk Con.

To the Sheriffs of Cecil, Talbot,
Baltimore Calvert, St Marys, Charles }
and Prince Georges Counties }

p. 425

Read and approved of the Bonds given by the Sheriffs of Somerset Worcester, and Frederick Counties.

At a Council held at the Governor's on Wednesday the 4th day of June in the Sixteenth year of his Lordship's Dominion Annoq Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker, John Ridout and Charles Goldsborough Esq^{rs}

Lib. J. R. His Excellency is pleased to lay before this Board the fol-
& U. S. lowing Letter with the Two Acts of Parliament therein
referred to.

St James's 31st March 1766

Sir

Herewith I have the Pleasure of transmitting to you Copies of Two Acts of Parliament just passed, The first for securing the Just Dependency of the Colonies on the Mother Country. The second for the Repeal of the Act of the last Session, granting certain Stamp Duties in America; and I expect Shortly to send you a Third for the Indemnity of such Persons as have incurred the Penalties imposed by the Act just Repealed, as such a Bill is now depending and has made a Considerable Progress in the House of Commons.

The Moderation, the Forbearance, the unexampled Lenity and tenderness of Parliament towards the Colonies, which are so signally displayed in those Acts, cannot but dispose the Province Committed to your Care, to that return of chearfull Obedience to the Laws and Legislative Authority of Great Britain, and to those Sentiments of respectful Gratitude to the Mother Country, which are the natural and I trust will be the certain Effects of so much Grace and Condescension, so remarkably manifested on the part of his Majesty, and of the Parliament, and the future happiness and Prosperity of the Colonies will very much depend on the Testimonies they shall now give of these Dispositions.

p. 426

For as a dutiful and affectionate return to such peculiar Proofs of Indulgence and Affection may now at this great Crisis be a means of fixing the mutual Interests and Inclinations of Great Britain and her Colonies on the most firm and Solid Foundations, so it cannot but appear visible that the least Coldness or Unthankfulness, the least Murmuring or Dissatisfaction on any Ground whatsoever of former Heat, or too much prevailing prejudice, may fatally endanger that Union, and give the most severe and affecting blow to the future Interests of both Countries.

You will think it scarce possible, I imagine, that the paternal Care of His Majesty for his Colonies, or the Lenity and Indulgence of the Parliament should go farther than I have mentioned; yet so full of true Unanimity are the Sentiments of both, and so free from the smallest Colour of Passion or Prejudice, that they seem disposed not only to forgive, but to forget those most unjustifiable Marks of an undutifull Disposition, too frequent in the late Transactions of the Colonies, and which for the Honour of those Colonies, it were to be wished had been more discountenanced, and discouraged, by those who had knowledge to conduct themselves otherwise.

A Revision of the late American Trade Laws is going to be the immediate Object of Parliament, nor will the late Transactions there, however provoking, prevent, I dare say, the full Operation of that kind and Indulgent Disposition prevailing both in his Majesty and his Parliament to give to the Trade and Interests of America, every Relief, which the true State of their Circumstances demands, or admits.

Lib. J. R.
& U. S.

Nothing will tend more effectually to every conciliating purpose, and there is nothing therefore I have in Command more earnestly to require of you than that you should exert yourself in recommending it strongly to the Assembly, that full and ample Compensation be made to those, who, from the Madness of the People, have suffered for their Deference to Acts of the British Legislature; and you will be particularly attentive that such Persons be effectually secured from any farther insult; and that as far as in you lies you will take Care by your Example and Influence, that they may be treated with that respect to their Persons and that Justice in regard to all their Pretensions which their merits and their Suffering undoubtedly Claim. The Resolutions of the House of Commons which by his Majesty's Commands I transmit to you to be laid before the Assembly, will shew you the sense of that House on those Points; and I am persuaded, it will, as it certainly ought, be the Glory of that Assembly to adopt and imitate those Sentiments of the British Parliament, founded on the Clearest Principles of Humanity and Justice.

I must mention one Circumstance in particular, which ought to recommend those unhappy People whom the outrage of the Populace has driven from America, to the Affection of all that Country, which is, that unprovoked by the Injuries they had suffered, to a forgetfulness of what they owed to Truth and their Country, they gave their Testimonies with Knowledge, and without Passion or Prejudice; and those Testimonies had I believe, great Weight in the Repeal of the Stamp Act.

Your Situation which has made you a Witness of the Distraction of that Country, will enable you to form the best Judgment of the Behaviour which your Province ought to use upon this Occasion, and of the Arguments which you ought to employ to enforce the Necessity of such a Behaviour as is suitable to their present Circumstances.

I am, with great Truth and Regard
Sir

your most Obedient humble Servant

H: S: Conway.

Lib. J. R. Ordered that the following Proclamation issue for the Noti-
& U. S. fication thereof, and that M^r Green be directed to Print the
said Acts to be annexed to the Proclamations.

p. 427 Maryland ss.

By His Excellency Horatio Sharpe Esq^r Governor and
Commander in Chief in and over the Province of Maryland.

A Proclamation.

Whereas I have received a Letter from the Right honourable Henry Seymour Conway Esq^r one of his Majesty's Principal Secretaries of State bearing date the 31st day of March last, wherein he informs me that two Acts of Parliament had passed the Legislature of Great Britain One of them intituled "An Act for the better securing the Dependency of his Majesty's Dominions in America upon the Crown and Parliament of Great Britain" the other intituled "An Act to repeal An Act made in the last Session of Parliament, intituled An Act for granting and applying certain Stamp Duties and other Duties, in the British Colonies and Plantations in America towards further defraying the expences of defending Protecting and Securing the same; and for amending such parts of the several Acts of Parliament relating to the Trade and Revenues of the said Colonies and Plantations, as direct the manner of determining and recovering the Penalties and Forfeitures therein mentioned." And Whereas I have Judged it expedient to notify the same here, I do therefore by and with the Advice of his Lordship's Council of State direct and require the several Sheriffs of this Province to publish in the usual manner this my Proclamation together with the two Acts of Parliament hereunto annexed, that all his Majesty's Subjects within this Province may take Notice thereof and Conform themselves accordingly.

Given at the City of Annapolis this fourth day of June in the Sixteenth year of his Lordship's Dominion Annoq Domini 1766.

Signed p order
Upton Scott Clk: Con.
God save the King.

At a Council held at the Governor's on Saturday the 2^d day of August in the Sixteenth year of his Lordship's Dominion Annoq. Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Daniel Dulany, John Ridout
and Cha^s Goldsborough Esq^{rs}

Read the following Letter from several of the Magistrates of Frederick County together with the Deposition of Enoch Innis, and other Papers relative thereto. Lib. J. R.
& U. S.

Frederick Town 21st June 1766.

Sir

We embrace this Opportunity of our meeting together in this place, to acknowledge the Receipt of yours, dated 14th April last, which most of us had not seen before this week. We live at a considerable distance from Mess^{rs} Shelby and Warford, and cannot be supposed, to be so minutely acquainted with their Behaviour in general, as those who live in their Neighbourhood, tho' there are several Acts of M^r Shelby's that have made much noise in this County of late, & cou'd not miss reaching Our Ears, particularly, his Deposition, which stands on the Proceedings of the honourable, the Lower House of Assembly of this Province, which we cannot suppose His Excellency, or any of the honourable the Members of the Council, ignorant of; as also, an affair relative to an Indian Scalp, viz^t the manner of his obtaining it, the prostituting the Laws of his Country, and the faith and Trust reposed in him as a Magistrate, to his private emolument for the truth of which, we have inclosed a Deposition of a Gentleman a member of this Court. His being a common breaker of the Peace and a Prophane Swearer are notorious, to every of his Acquaintance. The greatest part of what we set forth in Our Petition formerly preferred to his Excellency, hath been fully Proved this Court, the particulars of which, the Gentlemen of the Law who reside in Annapolis, are able to inform him fully of, viz^t Mess^{rs} Johnson, Chase, Paca, Tilghman, and we may now add M^r Jennings. We must observe with regard to the Warrant we mentioned in that Petition, that upon Our obtaining the Original this Court; We find it to be an Order to the Father Hynes to obtain the Child, in which the Constable of Tonolaway hundred is ordered to see it executed, instead of a Warrant in the form of One for Stolen Goods, as formerly set forth. With regard to M^r Warford we have the Satisfaction to find, that his Character is not of a Dye any thing equal to M^r Shelby's, but his profound ignorance (that we can make appear in several Instances did our time admit) is so conspicuous, that we are liable to be laughed at as his Associates, May we not hope that the following will Suffice? He asked one of us last Court, where he should apply for a Writ for a Matter under the Cognizance of this Court viz^t whether here or at Annapolis. There is a Judgment of his for Fifty Shillings Current Money in the hands of Col^o

Lib. J. R. Thomas Prather, upon a Note of hand for 534 Pounds of
& U. S. Tobacco payable to M^r Prather, because we are told he apprehended that he could not give a Judgment for such a Sum of Tobacco, notwithstanding the Constable Instructed him otherwise, and it is the prevailing Opinion of his Neighbourhood that, M^{rs} Warford Acts as Justice instead of him, for it is said they fare best, who pay their Court first to her. We beg Sir, that you will be pleased to lay this before his Excellency and the Honourable the Council. We forbear expatiating upon those Gentlemen, but declare that we heartily detest their Behaviour, and if his Excellency is not pleased to remove them, We shall be extremely obliged, if he will by a new Commission for this County at next Court, put it in Our Power to Resign

To	We have the honour to be Sir	
Upton Scott Esq ^r	your most Obed ^t humble Servants	
Clerk of the Council.	Andrew Hugh	Thomas Price
	Will ^m Luckett	Will ^m Blair

As we the Subscribers were not present at last March Court when the Petition above mentioned was prepared for His Excellency by the Members of Our Court, then present, we take this Opportunity to Signify to his Excellency and his Lordship's honourable Council, that it would be pleasing to us and We are Convinced it would be so to every Member of this Court, except the two Gentlemen whose Behaviour is Complain'd of, if his Excellency will be pleased to leave Mess^{rs} Shelby and Warford out of the next Commission of the Peace for Frederick County.

Tho^s Beatty
David Lynn.

Frederick County to wit

The Deposition of Enoch Innis aged Twenty seven years, or thereabouts being first Sworn on the Holy Evangels of Almighty God Deposeth and Sayeth that one James Spencer an Inhabitant of Maryland in the year 1764, Came before him (he being a Justice of the Peace for the said County in the Province of Maryland) and made Oath to the following Purport. that he the said Spencer in the Month of August in the year 1763 being present in an Engagement between his Majesty's Troops and the Indians at a Place called Bushy run did during the said Engagement Scalp an Indian that lay Dead in the Field, which Indian Scalp he sometime after his return home delivered to one Amos Nicholas and requested he would take the proper Method to Recover for him the Bounty offered by the Province of Maryland for Indian

Scalps or Prisoners if he should be entitled to it, which, if he recovered or received, he the said Spencer would allow him the said Nicholas the sum of Ten Pounds out of the said Bounty, but that the said Nicholas (whom he had understood had received the sum of Fifty Pounds for said Scalp by some means or other) had never paid him above the sum of Ten Pounds this Deponent further Deposed that he never to his Knowledge did see Cap^t Shelby nor did he ever make Oath before any Justice of the Peace whatever, relative to the getting or Taking of the said Scalp. At the time of giving the above Deposition he requested this Deponent to Endeavour to recover or procure for him from the said Nicholas the Balance which appeared to be due him on which this Deponent asked the said Amos Nicholas for the Money who replied that he had Sold the Scalp to Cap^t Evan Shelby for the sum of Thirty Pounds, which if he had not done should have got Nothing for it, therefore could not pay the sum he the said Spencer expected, and as this Deponent had undertaken to Negotiate that Business for the said Spencer, enquired at the Paper Currency Office in Annapolis what sum had been paid for said Scalp and to whom and found a Certificate for the taking said Scalp Given by Cap^t Shelby and a Receipt for the said Money signed by Edmund Moran to whom he applied for the Balance due said Spencer to which Moran answered that he had received the Money for Cap^t Evan Shelby and had delivered it to him, and further this Deponent sayeth not Sworn the 19th June 1766, before } Enoch Innis.
David Lynn. J

Lib. J. R.
& U. S.

p. 429

December the 2^d 1765. Came Barnett Johnson Constable of Linton Hundred with five Men with him viz^t Edmund Moran, James Dawson, Nathan Lynn, John Gerloh and Thomas Hynes to the House of Conrod Wheat between the Hours of Nine and Ten o'Clock at Night, and asked for a Quart of Whiskey, and got but a Pint, and then asked if there was a Pedlar there, then they called Conrod Wheat out a Doors, and asked him if he would [give] up his Daughter's Child. He asked them upon what Condition, they answered they had an Order from the Court for the Child, Conrod Wheat demanded to see the Order, then Edmund Moran read the Order then Conrod Wheat found the Order was from Evan Shelby Esq^r and not from the Court, and refused to let the Child go, as the Girl had given Security to the Court which he thought was Sufficient, then the Constable Commanded to lay hold, then some began to Stop the People belonging to the House from endeavouring to save the Child then they began to Riot and Beat the People of the House, and Thomas Hynes Swore he

Lib. J. R.
& U. S.

would have the Child Dead or alive then they hurt one of the Children belonging to the House then One of his Girls took his own Child and ran out of the Store Room into the Kitchen and the Rioters all followed her and the People of the House Shut the Door after them, and forewarned them from Coming in again, then they broke open the Door and Came in by Force, and then they began to beat the People of the House till some of them was not able to go to the Justice, and Thomas Hynes beat Margaret Wheat, the Mother of the Child and Swore he would be the Death of her. And then Nathan Lynn took the Child and ran out of the Doors with it, and then one of the Women belonging to the House got the Child and ran out into the field and Barnett Johnson and John Gerloh, ran after her and beat her, and took the Child from her, and then they came to the House of Ralph Matson where Evan Shelby was, and the Constable took the Child and delivered to Cap^t Evan Shelby, and he delivered it to William Hynes, and Thomas Hynes, was heard say that he made the Dutch Bitches Blood flye and Christian Matson asked Evan Shelby if the Girl had not a Right to keep the Child if she Could get Security to keep the Child off the Parish, and Evan Shelby made answer that she Could get no Security, and refused Joseph Flint, and Thomas Brooks, likewise Evan Shelby said if he ever Caught Conrod Wheat in Maryland he would have him Cropped for disobeying his Orders, and not delivering up the Child and said if he had gone he would have burnt his House over his Head likewise William Hynes, and Thomas Hynes gave Evan Shelby a Bond of One hundred Pounds in behalf of his Lordship to keep the Child off the Parish. Witnessed by Edmund Moran and Thomas Polk.

Evidences present that saw the Riot

John Barkley Peter Steed
George Rush Henry Rush

P: S. When they came before Joseph Warford, in order to have their Trial Evan Shelby demanded a Warrant of Joseph Warford for the Girl's fine but Joseph Warford refused to grant it, then Evan Shelby Writ one himself and Demanded Joseph Warford to sign it, but, he refused Then Evan Shelby sign'd it and she was Taken and Thomas Hynes gave his Note to Evan Shelby for her fine.

p. 430

There was a sort of a Riot Committed by Thomas Hynes and others against Conrod Wheat, his Family much abused they was taken by a precept and brought before me and was like to be bound over to Court, but to Screne themselves Thomas Hynes gets the Girl on his Lap and was very Sweet, I seeing that says to Hynes as you have Spoiled this Girl and

taken her Credit from her you ought to Marry her, he said I have not much against it I will Consider of it, the Father of the Girl made answer that he would give them thirty Pounds and a five Pound Weding, and upon the whole they agreed to be Married as the Evidences tells me they was fairly Married by Evan Shelby Esq^r

Lib. J. R.
& U. S.

The Evidences are these

Joshua Meaks	Arch ^d Flegor
Will ^m Hart	Christ ⁿ Matson
John Pac	Eliz: Warford.

Ordered that the Clerk of this Board acquaint Mess^{rs} Shelby and Warford of the Complaint made against them, and to Deliver them Copies of the Different Papers Containing the Accusations against them if they desire it, and in Case these Gentlemen Chuse to Enter into a Justification of their Conduct, the third Thursday in October next is fixed upon to hear the Parties of which they are to have timely Notice. Ordered also that the Clerk Write the following Letter to John Darnall Esq^r Clerk of Frederick County.

Sir

I am directed by the Governor and Council to Acquaint the Magistrates of your County who lately preferred a Complaint against Cap^t Evan Shelby and M^r Joseph Warford two Members of their Body that M^r Shelby having denied the Truth of several of the Facts alledged against him, they will on Thursday the 16th of October next examine into the Foundation of the Complaint. you will be pleased to Communicate this to these Gentlemen at the next Meeting of your Court, that if they chuse to support the Accusation they may take proper Measures for that purpose.

I am Sir your most hble Servant

Annapolis 11th August 1766.

Upton Scott Clk Con.

Read the Transcript of the Conviction of Negro Jack Slave of Hugh Hopewell of S^t Marys County Convicted of breaking open his Master's Store, and also the following Letters to his Excellency recommending him as an Object of Mercy.

May it please your Excellency

I have a Man Slave named Jack Now under Sentence of Death in this County, for making use of a false Key, and thereby Stealing Goods from my Store to the Value of £2..10..0 Current Money, he was Convicted on his own Confession of the Act to me, being before Suspected, and is the first Crime he has been guilty of, As I have the Greatest Reason to believe

Lib. J. R. that he is sincerely sorry for his Crime and will not be guilty
& U. S. of an Offence of this Nature for the future, I hope your Excellency will be pleased to extend your Mercy towards him, and Grant him a Pardon, which will greatly oblige.

S^t Marys County

23^d June 1766.

Your Excellency's

Obedient and humble Servant

Hugh Hopewell.

Sir

My friend M^r Hopewell, having a Negro Man Slave under Sentence of Death in S^t Marys County and intending to make Application to your Excellency for a Pardon, requested of me to Write you on the Subject. The Man was Condemned for opening his Masters Store with a false Key, which he had procured and Stealing Goods not of great Value, his Conviction was on his own Confession, and his Master assures me, that this was his first Offence, and that he is a very Valuable Slave. If under these Circumstances, it is Consistent and you will be pleased Pardon him, I shall be much Obligated to you.

I am with sincere Esteem and Respect

Your Excellency's most Obedient and humble

Ronsby Hall

Servant

Will^m Fitzhugh

15th June 1766.

p. 431 Sir

By this Messenger your Excellency will receive the Proceedings of Our Court relating to the Trial and Condemnation of a Slave the Property of M^r Hugh Hopewell, his Crime not being of a very heinous Nature, and his Master desirous of saving him as it was his first Offence, and he a very valuable Fellow, I am induced to Solicit your Excellency's Pardon for him, I am not fond of having Rogues escape Punishment, but on the Contrary should rather choose they should Suffer as Examples to others, particularly Negroes, among whom Villainy and Roguery is but too Common, yet on this Occasion I must hope your Excellency will grant what is desired.

I am with great Regard your Excellency's most

Obed^t and Obligated humble Servant

22^d June 1766.

Geo: Plater.

Ordered by His Excellency the Governor with the Advice of this Board that a Pardon issue to the aforesaid Negro Jack, which issued accordingly.

Read the Transcript of the Conviction of Negro Jonathan Slave of Basil Smith of Charles County Convicted of Robbing

the House of a certain Smallwood Thompson, And likewise Lib. J. R.
Read the Transcript of the Conviction of Negro George Slave & U. S.
of Henry Brent of Charles County Convicted of Robbing the
House of a certain Will^m Beck

Ordered that the Consideration of the above Convictions, be postponed, until some further Information can be procured relating to the Characters of the Men, And also Ordered that the Clerk of this Board Write the following Letter to Philip Richard Fendall Esq^r Clerk of Charles County.

Sir

I am directed by the Governor and Council to acquaint you that the Transcripts of the Convictions of Negro George the Slave of Henry Brent, and of Negro Jonathan the Slave of Basil Smith both found Guilty of Felony, at your last June Court having been laid before them they have deferred coming to any Determination about these Slaves, until they can learn some further Particulars concerning their Characters and the Circumstances that appeared at their Trials, You will be pleased to Acquaint the Magistrates of your County with this at their next Meeting that they may have an Opportunity of Communicating the Information wanted.

I am Sir

Annapolis
2^d August 1766.

your most humble Servant
Upton Scott Clk. Con.

Read the following Letter from the Justices of the Provincial Court relative to the Convictions of Henry Gregory of Ann Arundel County Blacksmith, and Peter Beech of Prince Georges County Labourer.

May it please your Excellency

We the Justices of the Provincial Court do humbly represent to your Excellency That Henry Gregory of Ann Arundel County Blacksmith has been Indicted tried and convicted of Burglary and Sentence of Death has been pronounced against him this present Court, We also represent to your Excellency that Peter Beech late of Prince Georges County Labourer has been indicted Tried and Convicted of Felony and Sentence of Death hath been likewise pronounced against him. We are Sorry that there did not appear one favourable Circumstance in the Course of their Trials to induce Us to recommend them to your Excellency for Mercy.

We are with the highest Respect your Excellency's
most Obed^t and most humble Servants

21st July 1766

Jn^o Brice B: Hands
T.. Hepburn

The Consideration of the above Convictions is Postponed.

Lib. J. R. At a Council held at the Governor's on Tuesday the 9th day
& U. S. of September in the Sixteenth year of his Lordship's Do-
p. 432 minion Annoq Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Honble Benedict Calvert, John Ridout, and Cha^s Goldsborough Esq^{rs}

His Excellency is pleased to lay before this Board the two following Letters, One from His Grace the Duke of Richmond, One of his Majesty's Principal Secretaries of State, and the other from Jn^o Pownal Esq^r Secretary to the Board of Trade, together with Copies of sundry Acts of Parliament passed last Session.

Whitehall 12th June 1766.

Sir

I have the Pleasure of transmitting to you herewith Inclosed a Printed Copy of An Act of Parliament Entituled "An Act for indemnifying Persons who have incurred certain Penalties by An Act of the last Session of Parliament for granting certain Stamp Duties in the British Colonies and Plantations in America" as also a Copy of another Act "for opening and establishing certain Ports in the Islands of Jamaica and Dominica, for the more free Importation and Exportation of certain Goods, and Merchandizes" and other Purposes therein set forth. Thus you see, Sir, that not only the greatest Attention has been shewn to his Majesty's American Subjects, by the Repeal of An Act which they had Complained of but those Grievances in Trade which seemed to be the first and Chief Object of their Uneasiness, have been taken into Consideration and such Regulations have been established as will it is hoped, restore the Trade of America, not only to its former flourishing State, but be the Means of greatly increasing and improving it, to the Conveniency and Advantage of all his Majesty's Subjects in every part of his Dominions. With those Views have these Regulations been enacted, and from the best enquiries into the Commerce of America, It is more than Probable that very salutary Effects will answer the Intentions. Such manifest Concern and tender Regard shewn by His Majesty and his Parliament for the true Happiness and Prosperity of the Colonies and Plantations, cannot fail I am persuaded, to produce, on their Part, suitable Sentiments of Duty, Respect and Gratitude to their King, and of Love and Attachment to their Mother Country.

I am with great Truth and Regard Sir

your most Obed^t humble Servant

To Horatio Sharpe Esq^r

Richmond &c.

Lieu^t Governor of Maryland.

Whitehall 19th June 1766.

Lib. J. R.
& U. S.

Sir

I am directed by the Lords Commissioners for Trade and Plantations, to transmit to you a Printed Copy of each of the several Acts passed in the last Session of Parliament which relate to America

I am Sir

your most Obed^t and most hble Servant

To Horatio Sharpe Esq^r

John Pownall.

Lieu^t Governor of Maryland.

The following Proclamation being Read and approved of, His Excellency, with the Advice of this Board, was pleased to Order, that Copies thereof, together with the Acts of Parliament thereunto annexed, be transmitted to the several Sheriffs requiring them to publish the same in their respective Counties. Ordered also that M^r Green be directed to Print a Sufficient Number of Copies of the said Acts to annex to the Proclamations and also to publish in the next Maryland Gazette the Act Entitled, An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of An Act of the Seventh year of her late Majesty Queen Ann, entitled, An Act for the Improvement of the Union of the two Kingdoms, as after the time therein limited, requires the delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason.

Maryland ss.

By his Excellency Horatio Sharpe Esq^r Governor and Com- p. 433
mander in Chief in and over the Province of Maryland.

A Proclamation.

Whereas I have received a Letter from His Grace the Duke of Richmond One of his Majesty's Principal Secretaries of State bearing date the 23^d of May last, and another from the Secretary to the Right honourable the Lords of Trade and Plantations dated the 10th of June last wherein they inform me that the following Acts of Parliament had passed the Legislature of Great Britain viz^t " An Act for allowing the Importation of Corn and Grain from his Majesty's Colonies in America into this Kingdom, for a limited time free of Duty; An Act to amend and render more effectual, in his Majesty's Dominions in America An Act passed in the present Session of Parliament Entitled, An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters; An Act to continue several Laws therein mentioned

Lib. J. R. relating to the allowing a Drawback of the Duties upon the
 & U. S. Exportation of Copper Barrs imported; to the Encouragement
 of the Silk Manufacturers; and for taking off several Duties
 on Merchandize Exported and reducing other Duties; to the
 Premium upon Masts, yards, and Bow sprits, Tar, Pitch, and
 Turpentine, to the encouraging the Growth of Coffee in his
 Majesty's Plantations in America to the securing the Duties
 upon Foreign made Sail Cloth, and Charging Foreign made
 Sails with a Duty, and for enlarging the times limited for
 executing and performing several Provisions, Powers, and
 Directions, in Acts of this Session of Parliament; An Act for
 opening and establishing certain Ports in the Islands of Ja-
 maica and Dominica for the more free Importation and Ex-
 portation of certain Goods and Merchandizes, for granting
 certain Duties to defray the Expences of opening, maintain-
 ing, securing, and Improving such Ports; for ascertaining the
 Duties to be paid upon the Importation of Goods from the
 said Island of Dominica into this Kingdom, and for securing
 the Duties upon Goods imported from the said Island into any
 other British Colony; An Act for the Indemnifying Persons
 who have incurred certain Penalties inflicted by An Act of the
 last Session of Parliament, for granting certain Stamp Duties
 in the British Colonies and Plantations in America, and for
 making valid all Instruments executed or inrolled there on
 unstamped Paper, Vellum or Parchment; An Act for repeal-
 ing certain Duties, in the British Colonies, and Plantations,
 granted by several Acts of Parliament, and also the Duties
 imposed by An Act made in the last Session of Parliament
 upon certain East India Goods exported from Great Britain,
 and for granting other Duties instead thereof; and for further
 encouraging, regulating and Securing, several Branches of
 the Trade of this Kingdom, and the British Dominions in
 America; An Act for altering the Oath of Abjuration, and
 Assurance and for amending so much of An Act of the Sev-
 enth year of her late Majesty Queen Ann entitled, An Act for
 the improvement of the Union of the two Kingdoms as after
 the time therein limited, requires the Delivery of certain Lists
 and Copies therein mentioned to Persons indicted of High
 Treason or Misprision of Treason" And Whereas I have
 Judged it expedient to Notify the same here, I do therefore by
 and with the Advice of his Lordship's Council of State direct
 and require the several Sheriffs of this Province to publish
 in the usual manner this my Proclamation together with the
 Acts of Parliament hereunto annexed, that all his Majesty's

Subjects within this Province may take Notice thereof and Lib. J. R.
Conform themselves accordingly. & U. S.

Given at the City of Annapolis this 9th day of September in
the Sixteenth year of his Lordship's Dominion Anno Domini
1766.

Signed p Order
Upton Scott Clk Con.

God save the King.

Ordered that a Reprieve issue in favour of Henry Gregory p. 434
on Condition that he transport himself or Cause himself to be
transported out of the Province and never to return again,
which was issued accordingly.

Read the following Letter from the Justices of Charles
County relative to the Convictions of Negro George and
Jonathan laid before this Board at their last Meeting.

Charles County 16th August 1766.

May it please your Excellency

The Clerk of this Court presented to us a Letter from the
Clerk of the Council, desiring the Circumstances of the Evi-
dence that appeared against Negro George Rustin, and Negro
Jonathan, who were Convicted of Felony at June Court last:
It has been the uniform Practice of this Court, when any
matter appeared favourable to the Criminals, to recommend
them to your Excellency's Clemency, and we sincerely wish it
was in Our Power to say any thing in favour of these unhappy
People, they have broke Goal and the Sheriff hath offered a
Reward for apprehending of them

We are with Due deference your Excellency's
most Obedient humble Servants

To His Excellency Horatio

Sharpe Esq^r

Governor of Maryland.

Tho^s Stone

Walter Hanson

Sam^l Hanson

Dan^l Jenifer

Tho^s Contee

Geo: Dent

I: Hawkins.

Ordered by his Excellency the Governor with the Advice of
this Board that Death Warrants issue for the Execution of
the above Negroes on Wednesday the 24th day of this Instant,
which issued accordingly.

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Lib. J. R. At a Council held at the Governor's on Monday the 29th day
& U. S. of September in the Sixteenth year of his Lordship's Dominion Annoq Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker John Ridout and Cha^s Goldsborough Esq^{rs}

Read the Transcript of the Conviction of Patrick Mackenzy, Convicted at Baltimore County Assizes of Horse Stealing and likewise read the following Letter relative thereto.

10th Sept^r 1766.

May it please your Excellency

We the Justices of the Western Shore Assizes do humbly represent to your Excellency That Patrick Mackenzy of Baltimore County Labourer at a Session of Assize held for the said County on the second day of September instant has been indicted tried, and convicted of Feloniously stealing a Gelding the Property of one John Guyton and Sentence of Death has been pronounced against him.

We are sorry that there did not appear one favourable Circumstance in the Course of his Trial to induce us to recommend him to your Excellency for Mercy.

We are with the highest respect, your Excellency's
most Obedient and most humble Servants.

To His Excellency Horatio Sharpe Esq^r John Brice
Governor of Maryland. John Darnall

Ordered that Dead Warrant issue for the Execution of the said Patrick Mackenzy on Wednesday the 15th day of October next which issued accordingly.

p. 435 At a Council held in the Council Chamber on Monday the 27th day of October in the sixteenth year of His Lordships Dominion Anno: Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, John Ridout, Charles Goldsborough and Henry Hooper Esq^{rs}

Who severally took and Subscribed the Oath of Abjuration directed to be taken by the late Act of Parliament.

There not being a Sufficient Number of Members of the Lower House in Town to make an House it is Ordered that the present General Assembly of this Province which was to have met at the City of Annapolis on Monday the 27th day of this Ins^t October be prorogued to Tuesday the 28th of October and Proclamation issued accordingly. Lib. J. R.
& U. S.

Tuesday 28th October 1766.

Ordered that the present General Assembly of this Province which was to have met at the City of Annapolis on Tuesday the 28th day of this Ins^t October be prorogued to Wednesday the 29th of October, and Proclamation issued accordingly.

At a Council held at the Council Chamber on Wednesday the 29th day of October in the sixteenth year of his Lordships Dominion Anno Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, John Ridout, Charles Goldsborough, and Henry Hooper Esq^{rs}

Benedict Calvert Esq^r takes and Subscribes the Oath of Abjuration directed to be taken by the late Act of Parliament.

Ordered that the present General Assembly of this Province which was to have met at the City of Annapolis on Wednesday the 29th day of this Instant October be prorogued to Thursday the 30th of October and Proclamation issued accordingly.

Thursday 30th October 1766.

Ordered that the present General Assembly of this Province which was to have met at the City of Annapolis on Thursday the 30th day of this Instant October be prorogued to Friday the 31st of October and Proclamation issued accordingly.

Friday 31st October 1766.

Ordered that the present General Assembly of this Province which was to have met at the City of Annapolis on Friday the 31st day of this Instant October be prorogued to Saturday the 1st day of November next and Proclamation issued accordingly.

Lib. J. R. At a Council held at the Council Chamber on Saturday the
& U. S. 1st day of November in the sixteenth year of his Lordship's
p. 436 Dominion Anno Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Daniel Dulany, John Ridout, Cha^s Goldsborough and Henry Hooper Esq^{rs}

Daniel Dulany Esq^r and the Clerk of this Board take and Subscribe the Oath of Abjuration directed to be taken by the late Act of Parliament.

M^r Joseph Warford being called in and Examined in Relation to the Complaint preferred against him by the Magistrates of Frederick County, This Board in Consideration of his being very illiterate and keeping an Ordinary is of Opinion that he is not a Person properly Qualified to be a Magistrate and recommend to his Excellency that he be left out of the Commission.

Cap^t Evan Shelby presents to this Board the following Petition.

To His Excellency Horatio Sharpe Esq^r and the honourable the Members of his Lordships Council.

The Petition of Evan Shelby of Frederick County.

Sheweth.

That Whereas several Magistrates of Frederick County have laid a Complaint against your Petitioner before your Excellency and Honours, which was to have been examined into at this time. your Petitioner humbly prays that a longer time may be given and that the Evidences according to the List annexed may be summoned to attend, for tho' your Petitioner will not presume to exculpate himself entirely from every private failing or Public Indiscretion they have accused him with yet he hopes to make it appear that they are not of so deep a dye as they have represented them.

And your Petitioner as in Duty bound will Pray &c.

List of Evidences

Evan Shelby.

Thomas Bowles

John Cary

Arthur Charlton

Robert Wood

Joshua Meek

Barnet Johnson

Thomas Haynes

Ordered that the following Summons issue as Pray'd for.

You are hereby required to Summons Thomas Bowles, John Cary, Arthur Charlton, Robert Wood, Joshua Meek, Barnet Johnson and Thomas Haynes that all Excuses set apart they make their Personal Appearance before the

Proceedings of the Council of Maryland, 1761-1769. 167

Governor and Council at the City of Annapolis on Monday the Eighth day of December next to Testify the Truth of their Knowledge on behalf of Cap^t Evan Shelby in a matter in Question depending before them. Hereof fail not at your Peril.

Lib. J. R.
& U. S.

Annapolis 31st October 1766.

Signed p order
Upton Scott Cl: Con.

To the Sheriffs of Frederick County.

At a Council held in the Council Chamber on Monday the 10th day of November in the sixteenth year of his Lordship's Dominion Anno Domini 1766. p. 437

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Richard Lee, Benedict Calvert, Daniel Dulany, John Ridout and Henry Hooper Esq^{rs}

Ordered that the Clerk of this Board write the following Letter to the Sheriffs of Calvert, Charles, St Marys, Frederick, Baltimore, Ann Arundel, Worcester Dorchester, Talbot, Queen Anns, Kent and Cecil Counties.

Sir

I am directed by the Governor and Council, to acquaint you of their Desire that you will immediately transmit to me an Account of the Provincial Amerciaments which you have Collected in 1766.

I am &c.
Upton Scott, Cl: Con.

At a Council held at the Council Chamber on Thursday the 13th day of November in the sixteenth year of his Lordship's Dominion Anno Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Richard Lee, Benedict Calvert, Daniel Dulany, John Ridout, Charles Goldsborough, and Henry Hooper Esq^{rs}

His Excellency is pleased to deliver to this Board the following Answer to the Address of the 27th May last.

Lib. J. R. Gentlemen
& U. S.

Having soon after the Conclusion of the last Session transmitted to the Lord Proprietary the Report and Address you presented to me the 27th May last on Occasion of the Instruction I had then laid before you I was lately favoured with another Instruction from his Lordship revoking the former and he is pleased to assure me that such is his Confidence in your Wisdom Zeal and Attachment to his Service that whatever we shall recommend will at all times engage his ready Compliance, and that we cannot give him greater Satisfaction than by pointing out how he may give Satisfaction to Ourselves and to the People of this Province.

13th Nov^r 1766.

Hor^o Sharpe.

At a Council held at the Council Chamber on Thursday the 20th November in the sixteenth year of his Lordship's Dominion Anno Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Benedict Calvert, and John Ridout Esq^{rs}

Read the following Petition of Edward Owens of Frederick County.

p. 438 To His Excellency Horatio Sharpe Esq^r Governor of Maryland

The Petition of Edward Owens of Frederick County humbly Sheweth.

That your Petitioners Servant William White on or about the Seventh day of October last was Committed to the Custody of the Sheriff of Prince Georges County for Stabbing a certain Benedict Wood of the said County, your Petitioner further shews to your Excellency that the said Benedict Wood by means of the Stabbing aforesaid languished until the seventh day of November Ins^t or thereabouts on which day he died; your Petitioner therefore prays your Excellency to grant him an Especial Commission of Oyer and Terminer &c. for the Tryal of the said William White as his laying in Goal until the next Court of Assize for that County will be attended with very great Loss and Damage to your Petitioner, and your Petitioner as in Duty

bound will pray

20th November 1766.

Edward Owens.

Ordered that the Register of the Secretarys Office be directed to make out a Commission as Prayed for John Hepburn Esq^r and Mess^{rs} Francis Waring, John Contee, and John Cooke Commissioners. Lib. J. R.
& U. S.

At a Meeting of the Council in the Council Chamber on Monday the first day of December in the sixteenth year of his Lordship's Dominion Anno Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Richard Lee, Benedict Calvert, Daniel Dulany and John Ridout Esq^{rs}

His Excellency is pleased to lay before this Board the following Letters from the Lords of Trade and Plantations and from the Earl of Shelburne One of his Majesty's Principal Secretaries of State.

Whitehall 1st August 1766.

Sir

In pursuance of an Address of the House of Commons, to His Majesty on the 27th of March last and of His Majestys Commands thereupon signified to us by His Grace the Duke of Richmond in a Letter to us dated the 11th ult. you are forthwith to prepare, and as soon as Possible transmit to us, in Order to be laid before the House of Commons in the next Session a particular and exact Account of the several Manufactures, which have been set up and carried on within the Colony under your Government since the year 1734 and of the Publick Encouragements which have been given thereto.

You are also from time to time annually to transmit the like account of any Manufactures which shall be hereafter set up, and the Publick Encouragements which shall be given thereto.

Horatio Sharpe Esq ^r Lieu ^t	} We are Sir,
Governor of Maryland	
	} your most Obedient Servants
	Palmerston John Roberts
	Dartmouth W ^m Fitzherbert
	Ed: Elliot

It is the Advice of this Board that His Excellency lay the above Letter before the present General Assembly now Sitting.

Whitehall 13th Sept. 1766.

Sir

Advices having been received from His Majesty's Superintendants for Indian Affairs, that the most unprovoked Vio-

Lib. J. R. lences and Murthers have been lately Committed on the In-
& U. S. dians under the Protection of His Majesty, and whose Tribes
are at present, in Peace and Amity with His Majesty's Prov-
inces, and that the Offenders have not yet been discovered,
and brought to Justice, and likewise that Settlements have
been made on the back of the Provinces, without proper
Authority, and beyond the Limits prescribed by his Majesty's
Royal Proclamation of 1763, and in some places even beyond
the utmost boundaries of any Province in America, and that in
Consequence the Indian Nations, do every where discover
discontents and resentments, which may endanger the Peace
of His Majesty's Provinces and the Safety of his Subjects.

It is therefore his Majesty's Commands that you apply
yourself in the most earnest manner to remedy and prevent
those Evils, which are as contrary to the Rules of good Policy
as of Justice and Equity.

The Violation of those Principles attended also with so
many Dangers to the Provinces is what cannot be permitted.
If a due Obedience had been paid to His Majesty's Royal
Proclamation, and a due attention given to proper Restraints
on the Conduct of the Indian Traders, these Evils would have
been effectually avoided.

p. 439 His Majesty's Commander in Chief has received Express
Orders to co-operate with the Civil Government for the en-
forcing a due Obedience to that Proclamation; and his Maj-
esty requires and expects every Measure to be taken which
prudence shall dictate, for the removing such Settlers, pre-
venting in future any such Settlements as are contrary to the
Intention of it, and for apprehending such Offenders whose
daring Crimes have so direct a tendency to Involve the whole
of his Majesty's Provinces in America in an Indian War.

I am with great Truth and Regard Sir

Your most Obedient humble Servant

Deputy Governor of }
Maryland. }

Shelburne.

The following is an Answer to the above Letter from the
Earl of Shelburne One of his Majesty's Principal Secretaries
of State.

My Lord

Since I had the honour to receive your Lordship's Letter
dated the 13th of Sept^r last I have made Enquiry but cannot
find that any Violence hath been Committed within this
Province on any Indian since the Conclusion of the late War
nor have any Lands been granted in Maryland beyond the
Limits described in his Majesty's Proclamation of 1763. if

therefore any Settlement hath been made on Lands to which the Indians have any Pretensions it has not been by Persons claiming Protection under this Government, and your Lordship may be assured that I shall never countenance the making any Settlement that can Possibly give the Indians the least Cause of Offence and if any of the Inhabitants of this Province shall injure them in any respect I will endeavour to have the Offender Punished; but as there are on the Frontiers of this Province Persons that Support themselves by Hunting and among them Men of no Character or Principle It will I am afraid be impossible to prevent such from going and building Houses or Cabbins beyond the Limits prescribed by the Royal Proclamation unless the Military to the Westward of these Provinces are directed to destroy such Houses and otherwise to punish such Offenders. Should I hear of any Transaction within or in the Neighbourhood of this Province likely to give the Indians any uneasiness I shall immediately advise both General Gage and S^r William Johnson thereof, and will use all means in my Power to prevent the ill Consequences of such Uneasiness and to preserve Peace and Harmony between the Neighbouring Indians and his Majesty's Subjects in this Province.

Lib. J. R.
& U. S.

p. 440

I am &c.

Hor^o Sharpe.

Annapolis December 1766.

At a Council held at the Council Chamber on Tuesday the 9th December in the Sixteenth year of his Lordship's Dominion Anno Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The hon^{ble} Benjamin Tasker Esq^r Daniel Dulany Esq^r and John Ridout Esq^r

The following Depositions of Thomas Bowles, John Cary and Arthur Charlton were taken before this Board.

Thomas Bowles being Examined and Sworn deposeth and saith that he understood by Report that there was a Meeting some time in the Month of November of many People at one of the Dutch Houses in Frederick Town to Sign a Petition to the Assembly to pass the Journal which was offered to this Deponent to Sign which this Deponent objected to being Indecent, (by M^r Tho^s Price) this Deponent further saith that Cap^t Shelby lodged two or three days in a Private manner at his House in Frederick Town at one of the Adjourned November Courts but that he cannot Recollect the Precise time

Lib. J. R. that he believes there was no Assembly of Armed Men in
& U. S. Frederick Town before he had heard of Cap^t Shelby's Deposition before the Upper House of Assembly collected with a Design to come down to Annapolis in Order to induce the Assembly to pass the Journal. This Deponent further saith that he never heard anything concerning M^r. Shelby's having defrauded any Person of a Sum of Money due to him for an Indian Scalp except from Col^o Cresap or his Son in Law Enoch Innis or such as had the Story through them. And that he has been long and intimately acquainted with him and does not think him remarkable either for a Prophane Swearer, or disturber of the Peace except when in Liquor and that this Deponent hath seen many behave worse, that this Deponent hath had large dealings with Cap^t Shelby and always found him Honest.

Sworn before the Governor and } T: Bowles.
Council 9th December 1766. }

John Cary being Examined Deposeth and saith that there was a Sort of riotous Meeting of a number of People at the House of Arthur Charlton in Frederick Town that in their Cups they had formed a Resolution of Marching to Annapolis in Order to intimidate the Assembly so as to induce them to Pass the Journal, that expresses, were in Consequence of this
p. 441 sent into the Country to collect the Inhabitants several of whom came to Town next day but that on Reflection, they were ashamed of what was done and dispersed. He believes there might be upwards of an Hundred Men assembled in M^r Charlton's House and in the Street about the Door next day but that he was most of the time in the House and did not take Notice of any of them being Armed. That he has long been acquainted with Cap^t Shelby and does not know that he is any way remarkable or notorious for Swearing or breaking the Peace; but that in his Cups, which happens but seldom to his Knowledge he will Act as other People in such Circumstances usually do.

Sworn before the Governor John Cary.
and Council 9th December 1766.

Arthur Charlton being Sworn and examined concurs with John Cary in the above Deposition, and saith further that the Meeting at his House was on or about the 4th day of December 1765 and that he heard that Cap^t Shelby passed thro' a part of the Town in a private manner about that time lest the Sheriff should meet with him. He further saith that he understood that a great number of People were assembled on the Roads, in Order to Join the Inhabitants of Frederick Town in their way

down to Annapolis but that they dispersed on expresses being sent them of the Designs being dropped. Lib. J. R.
& U. S.

Sworn before the Governor

Ar^t Charlton.

and Council 9th December 1766.

Thomas Hynes Deposeth and saith, that he was present, at Ralph Matson's House, when the Constable of Linton Hundred brought the Child of Catharine Wheate and gave it to Cap^t Shelby who delivered it to William Hynes, who Joined in a recognizance with the Deponent Security in a £100 to keep the Child from being a burthen on the County, and that he did not hear Cap^t Shelby make use of any threatening Expressions against Conrod Wheat, or say any thing about burning the said Wheat's House. That he never heard, that Thomas Brooks and Joseph Flint offered to become security on the part of Catharine Wheat, or that Cap^t Shelby refused to accept them as such. He further saith that he never gave any Note nor paid or assumed to pay to Cap^t Shelby any Money for Catharine Wheat's fine, nor does he believe that any Warrant was issued by the said Cap^t Shelby against Catharine Wheat on that Account. He further saith that on the last Evening of the Old year 1765 at the House of M^r Joseph Warford after drinking pretty freely in a Numerous Company, M^{rs} Warford proposed that Cap^t Shelby should Marry this Deponent to Catharine Wheate and the rest of the Company approving much of the proposal and having got them together Joined their Hands when Cap^t Shelby asked each of them separately whether they were satisfied, and on their Signifying their Willingness he declared them to be Man and Wife, but that he heard nothing of his making use of any such Expressions as "Jump Dog, Leap Bitch and I'll be damned if all the Men on Earth can un Marry you" that he knows nothing nor ever heard of M^{rs} Warford's having received five Shillings for the use of her bed that Night, and further this Deponent saith not.

Sworn to this 9th of Dec^r 1766
before me.

Tho^s Hynes.

U Scott Cl: Con.

At a Council held at the Governor's on Wednesday the 24th p. 442
day of December in the sixteenth year of his Lordship's Dominion Anno Domini 1766.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Benedict Calvert, and John Ridout Esq^{rs}

Lib. J. R. Read the following Petition and Depositions preferred
& U. S. against Cap^t Peter Bainbridge.

To His Excellency Horatio Sharpe Esq^r Governor and
Commander in Chief in and over the Province of Maryland.

The humble Petition of the Inhabitants of Frederick
County.

Most humbly Sheweth

That Whereas your Excellency was pleased some years ago
to appoint Peter Bainbridge as a Magistrate and also a Cap-
tain's Commission and as he has never Acted Justly in neither
as he ought to have done, and Whereas your humble Peti-
tioners and others of said County groans under the load of
his bad Conduct in every Shape, Wrong Judgments and other
Grievous affairs too Teedious here to mention, so that the
greatest part of the Country cries out against him, Yet we will
make bold to mention one Article, That Whereas in the year
Fifty Eight when the Militia went out to the back Woods your
Excellency was at Fort Cumberland, and said Bainbridge was
up at said time with some part of his Company which if he had
not a Dozen it could not be wondered at, seeing he Agreed
with one Philip Rodenpiller to leave him at home, upon Con-
dition to weave said Bainbridge a Quantity of Linen Cloth,
Now seeing my Lords Tenants Represents the said Bainbridge
to be an unfit Person for said Offices, prays that your Excel-
lency will take the same into your Consideration and appoint
some other Person in his Place, as there is several more proper
for it than him, and your humble Petitioners will be for ever in
Duty bound to pray.

George Wile
Peter Michael
Elias Marr
John Furguson
Geo: Leon^d Peckepaugh
George Yeast
Christian Smith
Adam Everly
Michael Everly
Stephen Stuck
Vandel Stirrum
Herman Yost
Leon^d Stirrum
Fred^k Garrison
Henry Fister
John Everly
Jacob Paulas

John Fie
Jacob Fragart
John Smith
Philip Rodenpiller
Ezekiel Chaney
William Flintham
Benjamin South
Nathan Chaney
Benjamin Rutter
James Winders
Jacob Shaver
Jacob Fluke
Peter Shuman
John Shideler
Mich^l Kirkpatrick
Jn^o Kirkpatrick
Geo: Kirkpatrick

Nicholas Paulas
John Keller
Abram Keller
Philip Ferver
Joseph Collman
Peter Boocher
Conrod Young
Valentine Fiddler
Henry Lighter
Christopher Smith
Valentine Mather
Philip Fink
Christ^r Michael
Peter Waddle
Tobias Horine
Isaac Colvin
Conrod Moser
John Bell
Samuel Thomas
Peter Hargett
Christ. Brown

Matthew Walker
John Charlton
Adam Kyle
Peter Cregar
Michael Cregar
Will^m Griffith
Jacob Sauler
David Smith
Philip Fogall
Anth^y Fogall
Devault Wilyard
John Nal: Cart
Jacob Wiseman
Correll Middart
Michael Byer
Peter Coonce
Joseph Byer
Philip Yonday
Christian Everhart
Matthias Cost
John Lighter

Lib. J. R.
& U. S.

The Affirmation of Yost Blickenstaff taken before me the Subscriber One of his Lordships Justices of the Peace for Frederick County. That Whereas Mary Ann Cristy Abigail Debutts was in Possession of some Land and Tenements in said County, which fell to her by Birth Right, and as her Uncle Peter Bainbridge had a young Man at his House named Samuel Armit that came from Philadelphia which said young Man said that Bainbridge was a Cousin of his, and the said Peter Bainbridge Represented this Armit to be a very Rich Man and got him Married to this young Woman, and after they were Married but a very little time he wanted to sell a small Piece of Land which she Consented to and this Affirmer wanted to buy said Piece of Land, Set in Case he could get a good Right to it, and said Bainbridge told this Affirmer that Armit could give him a good Deed for said Land, but this Affirmer was told by several People that Armit could not give him a good Deed for it, Then said Bainbridge told him and persuaded him that if Armit and his Wife would Enter into an Obligation Bond of Performance without security that it would be good, as the said Affirmer insisted for security so that he bought said Land upon his Say so. Then said Armit wanted to sell all the rest of her Lands and Tenements but could not seeing his Wife was not willing nor could not make a good Right and after that said affirmer had paid and made Satisfaction for the Land the said Armit went off left his

Lib. J. R. Wife, left his Cousin Peter Bainbridge as he said a Power of
& U. S. Attorney to Rent and dispose of her Lands and Tenements as
he seed Cause, and a short time after Armit went away, the
said Bainbridge was at this Affirmers House and told him and
his Wife that Armit was gone to the West Indies and that he
had a Power of Attorney from Armit to Rent her Lands and
Tenements and that she should have nothing from him to live
upon and that her Step Father was not able to maintain her
and that she should not live with him her said Uncle and when
she was low enough that then he wou'd send a Letter for
Armit and that he would come and then buy all her Lands
and Tenements and that she would be glad to go with him
any where.

Affirmed to before

Yost Blickenstaff.

W^m Lockett.

The Deposition of Mary Ann Christy Abigail Armit Taken
before me the Subscriber One of his Lordships. That whereas
this Deponent was in Possession of some Land in said County
and a House and a half Lott in Frederick Town, and as this
Deponents Uncle Cap^t Peter Bainbridge, had a Cousin as he
said that came from Philadelphia, One Samuel Armit, whom
said Bainbridge Reported was worth some Thousand Pounds
and by her Uncles recommendation of him and her Uncles Ad-
vice and Persuasion to her and her Mother this Deponent
Married said Armit and remained some time in her Uncles
House, and as her Husband against her Inclination wanted
to sell the said Land and upon her being unwilling her Uncle
told that she must and shall make it over and told her if she
would not that he would buy said Land and keep her out of it
as long as her Husband lived and to the best of her Remem-
brance he said that he would Cut down the Timber off said
Land and the said Deponents Husband did sell a small Quan-
tity of said Land and through Persuasions &c she Consented
to sign an Obligation Bond with her Husband, and he made
away with the Price of it and now he has gone and left her
she knows not where and did not give her a penny to support
her, and also left her in a bad State of Health and this Depo-
nent declares to be the best of her Knowledge.

Mary Ann Christy Abigail Armit.

Frederick County ss:

The Deposition of Jacob Sayler taken before me the Sub-
scriber One of his Lordship's Justices of the Peace for said
County this day of 1766. That Whereas a
Certain Yost Leezer Jun. Warranted this Deponent for Ten

Shillings before Cap^t Peter Bainbridge and this Deponent wanted and asked said Bainbridge to Draw out his Account against said Leezer of One Pound twelve Shillings and three pence and wanted to prove it. but said Bainbridge would not allow of it, but Give Judgment against this Deponent for said Ten Shillings and the Cost, and this Deponent seeing he had not Justice done him went to M^r Joseph Smith and got him to draw off his Account against Leezer of One Pound twelve shillings and three pence and gave Credit in said Account to Leezer the sum of twelve Shillings and three pence then there remained twenty Shillings of a Balance coming to this Deponent, and then this Deponent took out a Warrant for said Leezer and had him before Cap^t Bainbridge then said Bainbridge asked said Leezer if he would Swear that he owed this Deponent Nothing, and he said he would then said Bainbridge give him his Oath and Cut said Deponent out of the said Balance and Cast him in the Cost, all which this Deponent can make appear, the said Leezer being a Loose young fellow which can be made appear.

Witness present

Jacob Sayler

his

Michael **MK** Cregar

Mark.

Know all Men by these presents that I Michael Cregar of Frederick County in the Province of Maryland will make it appear and prove by several Evidences if required that Cap^t Peter Bainbridge took and received double Fees for one Warrant, as said Michael Creager can make it appear by Valentine Care, Jacob Sailer, Isaac Colvin Peter Creager and Samuel Magruder Constable, as Witness my hand this 7th day of November 1766.

Michael **MK** Cragers Mark

Peter Shumar

John Furguson.

Ordered that the Clerk of this Board send the following Letter to Cap^t Peter Bainbridge.

Sir

I am directed by the Governor and Council to acquaint you that a Petition Signed by a great Number of the Inhabitants of Frederick County complaining of your Behaviour as a Magistrate and desiring your removal from that Office is preferred against you to the Governor who does not Chuse to condemn you without giving you an Opportunity of Justifying yourself, if you desire it you may therefore upon Application to me have Copies of the Petition and Depositions made

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Lib. J. R. against you and a day will be fixed for a Hearing in your
& U. S. Defence.

I am &c.

24th December 1766.

Upton Scott Cl: Con.

Read the Transcripts of the Convictions of Negro Nero,
and negro David as also the following Letter from the Jus-
tices of Talbot County relative thereto.

Talbot County 15th November 1766.

Sir

We the Justices for Talbot County beg leave to inform your
Excellency that Sentence of Death hath this November Term
been passed upon Nero a negro Slave belonging to M^r Gabriel
Saile and upon David a negro Slave to M^r Samuel Mullikin.
The first was found guilty upon two Indictments for Burglary,
one in breaking open a Dwelling House belonging to M^r John
Bozman and Stealing from thence a Broad Cloth Coat and
Hat and a pair of Trowsers the second Indictment for the
breaking the Dwelling House of a certain Nathaniel Cox and
Stealing from thence ten Pounds of bacon and a Knife the
facts laid in the first Indictment were clearly proved by M^r
Oldham One of the Subscribers to whom the negro Confessed
the breaking open the House and Chest and Stealing thence
the Goods laid in the Indictment, by M^r Sale the Master of the
Negro, and George Clift who found the Goods in his Pos-
session, and by two negroes belonging to M^r Bozman who
proved that the House had been opened and the Goods Stolen
p. 445 from thence. On the second Indictment he was found Guilty
upon the Evidence of George Clift, to whom he Confessed the
breaking of the House and Stealing the things laid in the In-
dictment, and by Nathaniel Cox who proved his having lost the
Goods and that the Negro made the same Confession to him
that he had done to Clift. Negro David was Indicted upon the
Act of Assembly for attempting to Poison and Murder his
Master, and found Guilty upon the clearest Evidence viz^t his
Confession to several Persons and before the Court and Jury
on his Tryal, and the Testimony of a female Slave who was
Privy to his preparing a Dose Composed of Ground Puppies
and other Ingredients which he supposed Poisonous with
intent to give it to his Master. The Evidence upon all the
three Indictments was such as left the Court and Jury not the
least Room to Doubt of the Guilt of the Prisoners.

We are

your Excellencys most Obed^t Servants

Risdon Bozman

Ja^s Dickinson

Edw^d Oldham

Jon^a Nichols.

Tristram Thomas

Ordered by His Excellency the Governor with the Advice Lib. J. R. & U. S. of this Board that Death Warrants issue for the Execution of the aforesaid Negro Nero, and Negro David on Wednesday the 14th day of January next which issued accordingly.

At a Council held at the Governor's on Wednesday the 14th January in the Sixteenth year of his Lordship's Dominion Anno Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Daniel Dulany, and John Ridout Esq^{rs}

Read the Transcript of the Conviction of Daniel Dunn of Frederick County and also the following Letter from Mess^{rs} John Darnall, Charles Jones and David Lynn, relative thereto.

Sir

In Consequence of a Special Commission from your Excellency to us Directed, Daniel Dunn of Frederick County was Tried and Condemned for feloniously Stealing and Robbing upon the High Way from M^{rs} Ruhamah Chaplin several goods the Property of M^r Joseph Chaplin, We are sorry to inform your Excellency that the Evidence against the Prisoner was full and Clear and that there is not one Circumstance in his favour.

We are

Your Excellency's most Obedient Servants

Frederick Town

20th December 1766.

John Darnall

Charles Jones

David Lynn

Ordered by His Excellency the Governor with the Advice of this Board that a Death Warrant issue for the Execution of the said Daniel Dunn on Wednesday the 28th Ins^t which issued accordingly.

At a Council held at the Governor's on Wednesday the 11th day of February in the Sixteenth year of his Lordship's Dominion Anno Domini 1767. p. 446

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Daniel Dulany and John Ridout Esq^{rs}

Lib. J. R. His Excellency is pleased to acquaint this Board that His
& U. S. Lordship the Right honble the Lord Proprietary had appointed Walter Dulany Esq^r a Member of the Council and the Upper House of Assembly, and that he attends in Order to be Qualified, who takes the several Oaths to the Government Subscribes the Abjuration and Test and also takes the Oath of a Councillor and thereupon takes his place at the Board accordingly.

Ordered that the Clerk of this Board write the following Letter to the several Councillors notifying therein his Excellency's Intention of having a Meeting of the Council on the 9th day of March next.

Annapolis 11th Feb^{ry} 1767.

Sir

I am directed by the Governor and Council to acquaint you that there will be a Meeting of the Council on Monday the 9th day of March next, to deliberate on Affairs of much Importance, at which time they hope you will without fail give your Attendance.

I am &c

Upton Scott Cl: Con.

To

The honble Cha^s Hammond Sam^l Chamberlaine
Rich^d Lee Benedict Calvert Henry Hooper Edw^d
Lloyd and Charles Goldsborough Esq^{rs}

Examined and approved of the Sheriffs Bonds of Worcester Dorchester S^t Marys and Prince Georges Counties.

At a Meeting of the Council held at the Governor's on Thursday the 19th day of February in the Sixteenth year of his Lordship's Dominion Anno Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker Esq^r Daniel Dulany, John Ridout, and Walter Dulany Esq^{rs}

Sir

You will see by the inclosed Extract from the Lower House Journal of the last Session our appointment for the purposes therein mentioned. It being thought necessary to make a thorough Inspection and Examination of all the Journals of the Upper House in your Custody preceding the year 1704 and also of all the Journals of the Lower House of Assembly which are in your Custody preceding the year 1693 and between 1696 and 1704. to enable us to supply the Agent Charles Garth Esq^r

with Evidences and materials; the Journals of the Lower House before 1693 and between 1696 and 1704 not being in the Assembly Office: you are therefore requested to attend immediately so that we may have the Inspection of the said Journals.

Lib. J. R.
& U. S.

Annapolis 19th February 1767.

To
M^r Reverdy Ghiselin
Clerk of the Secertarys Office

We are Sir

Your humble Servants

Robert Lloyd
Will^m Murdock
Edw^d Tilghman
Tho^s Ringgold
Tho^s Johnson Jun.
John Hall.

This House having at this Session as well as most others since the year 1739 passed a Bill to raise Money to Support an Agent to be employed by them, at the Court of London to represent their Grievances to his Majesty and transact the Provincial Affairs and the same having been constantly refused by the Upper House and the Journal of Accounts having also been refused by their Honours ever since the year 1756. unless this House would make an Allowance by a Tax on the People for an Annual Salary to the Clerk of his Lordships Council of State over and above his Allowance as Clerk of the Upper House and over and above his Fees settled by Law in the year 1747. as Clerk of the Council contrary to their fixed and settled Opinion that the said Clerk his reasonable reward as well as every expence necessarily attending the Execution of the Powers of Government ought to be defrayed out of the Fines Forfeitures Amerciaments, 12^d p Hogshead and other Monies received under Colour of Law to defray the Expences of Government by which means Public Credit having been greatly injured and in a manner annihilated and the Publick Creditors so long kept out of their Just Claims as to be reduced to the greatest Distress and some of them to a State of Despair altho' this Province now hath thirty Thousand pounds Capital Stock of the Bank of England a very Sufficient Fund to issue Bills of Credit on to pay those Claims and give a circulating medium to the Commerce languishing for want thereof; to remedy those Evils and promote as far as in them lies the Ease and Welfare of the Province this House having agreed to carry the said Dispute between the Lord Proprietary and the People before His Majesty in Council without any Publick Money to pay an Agent whether his Lordship should pay the Clerk of the Council his Claim and other necessary expences of Government out of those Publick Revenues or whether the

Lib. J. R. People should be taxed for them and his Lordship keep all
 & U. S. those Publick Monies without Account to his Private use
 firmly relying on the Publick Virtue and Spirit of their Con-
 stituents that each and every one will Contribute some part
 of his Private Property for employing an Agent in London
 to Conduct the settling and determining a Matter in which
 the Country in General is so much interested more especially
 when at the same time and for nearly the same Expence they
 may likewise procure Relief from other Aggrievances this
 Province labours under and particularly the want of a stand-
 ing Agent at the Court of Great Britain to be maintained at
 the Public Charge. Resolved therefore that this House do
 appoint Charles Garth Esq^r lately Special Agent for this
 Province their Agent for Conducting and managing the Busi-
 ness aforesaid. Resolved that the honourable Speaker, M^r
 Murdock, Col^o Tilghman M^r Ringgold M^r Johnson and M^r
 John Hall (of Annapolis) or any three of them be a Committee
 in the Recess of Assembly to correspond with the said Charles
 Garth Esq^r and that the said Committee do prepare with all
 possible Dispatch, and transmit to the said Agent a full State
 of the Dispute aforesaid as well as of our other Aggrievances
 more especially in relation to the 12^d p Hogshead and the want
 of a Publick Support for an Agent, and also authenticated
 Copies of Records and all other Papers and matters necessary
 for carrying on the said Disputes. And that the said Com-
 mittee of Correspondence lay Copies of their Letters to the
 said Agent together with any Letters they may receive from
 him before the next Assembly of the Delegates of this Prov-
 ince. And whereas for the supplying such materials as may
 be necessary for the purposes aforesaid it may be deemed
 requisite by the said Committee that a thorough Examination
 and Inspection be made into all the Acts that have been passed
 relative to the Revenue and every Branch thereof and raising
 and levying Money upon the People in any manner whatever
 towards supporting the Executive Powers of Government to-
 gether with the contemporary Journals and Proceedings not
 only of this House but also of the Upper House Governor and
 Council and Governor and Privy Council. Resolved also that
 the said Committee have free Access to all Papers Books and
 Records in any of the Public Offices to search and examine the
 same and demand and take Copies of any part thereof they
 may think proper. And also that the said Committee have
 Power to employ a Clerk who shall have the same Daily Al-
 lowance under them as Clerks in Session time have, and that
 this House will take care that the said Committee be indem-
 nified in prosecuting said Inquiry.

I hereby Certify that the foregoing is a true Copy taken from the Journal of the Lower House of Assembly November Session 1766. Lib. J.R.
& U. S.
p. 448

Test

M: Macnemara Cl: Lo: Ho:

The Preceding Letter and Extract from the Lower House referred to in that Letter having been delivered to his Excellency the Governor by Daniel Dulany Esq^r and his Excellency having been pleased to call a Council the following Letter was read and approved of as proper for M^r Dulany to send to the Gentlemen who Subscribed the first mentioned Letter in Consequence whereof his Excellency was pleased to give his Direction to M^r Dulany to send the same which follows in these Words Viz^t

Gentlemen

My Clerk M^r Ghiselin, this day, at about one oClock, delivered to me your Letter, in which you are pleased to refer him to an Extract from the Journals of the Lower House of Assembly November Session 1766. for your Authority as a Committee appointed by the Resolve of that Branch of the Legislature, to inspect and examine all the Journals of the Upper House in the Secretary's Office preceding the year 1704 and also of the Lower House preceding the year 1693 and between 1696 and 1704. On Perusal of the Extract I observe the Lower House resolved that you as a Committee in the Recess of Assembly should have free access to all Papers, Books & Records in any of the Publick Offices, to search and examine the same and demand, and take Copies of any part thereof you should think proper, and moreover that you should have Power to employ a Clerk with the daily Allowance of Clerks in Session the Lower House engaging to take Care that you as a Committee should be indemnified in prosecuting this as well as other Branches of inquiry directed by the above Resolve. In Consequence of his Excellency the Governor's Prorogation the Authority of the Lower House I conceive determined, and as that Branch of the Legislature could not continue their *whole* Authority, neither could *Part* of their Authority, by their Single Act, or Resolve be conferred upon particular Members as a Committee to be exercised after the said Prorogation. In Virtue of my Appointment to the Office of Secretary, the Custody of all Books and Papers lodged therein belongs to me and for their entire Preservation I have given Security in a large Sum, I am at a great Expence in the necessary Provisions for discharging the Duties of my Office, You

Lib. J. R. well know that I receive no Salary, but am obliged to defray
& U. S. the Expences incident to my Office and am Supported by the
Fees allotted by Law for particular services, a considerable
part whereof arises from Transcripts and Copies of the
Books and Papers in my Custody. I derive my Commission
from the Lord Proprietary, and until he shall be pleased to
Supersede it no one has a Right to controul me in the Powers
and Perquisites incident to it either in the whole or in part;
but if a Clerk appointed by you or even by the Lower House
in Session, is to have the Custody of the Books and Papers
lodged in my Office or to take Copies from them, his Authority
pro tanto, would Supersede my Commission, and operate as
an appointment of a new Secretary, or at least, a Coadjutor in
Office. The Nature of the Subject and the Duty of my Station
oblige me in the most explicit and unreserved manner to in-
form you that for the Reasons Suggested, I cannot admit your
Authority, as a Committee of the Lower House, tho' as private
Gentlemen quite independant of and abstracted from all Con-
sideration of your appointment, I shall take great pleasure in
complying with any request you shall think proper to make
Consistent with my Duty, having the Honour to be with great
Regard

19th February 1767. Gentlemen your most Obedient
Having last night been informed humble Servant
by M^r Ghiselin of your Demand Daniel Dulany.
of some Papers out of the Secretary's
Office, I gave him my Instructions in
Writing this day, to refer you to myself
for any Requisitions you may chuse to make.

p. 449 It was also recommended to Daniel Dulany Esq^r to give the
said Gentlemen notice that if they should think proper to apply
for an Inspection or Examination of any Books records or
Papers in his Office without assuming any Authority under
the Resolve of the Lower House appointing them to act as a
Committee in the Recess of Assembly he will be ready to assist
and accommodate them.

In Consequence of which recommendation M^r Dulany hav-
ing received no Answer to his first Letter sent also to the
aforesaid Gentlemen the following Letter, having received
his Excellency's Approbation thereof Viz^t

Gentlemen

Not having been favoured with an Answer to my Letter of
yesterday I think it proper in order to prevent all Mistake or

Misunderstanding of the Reasons which influenced my Conduct to inform you that your Letter to my Clerk and the Extract therein inclosed were laid before His Excellency the Governor by me for the same Reason that His Excellency called for the Advice of the Privy Council because your Demand appeared to be of an extraordinary Nature and to concern the Prerogatives of Government, and that in pursuance of the Unanimous Advice and Opinion of the Council, and His Excellency's Direction my Letter of yesterday was framed.

If as private Gentlemen assuming no Authority under the Resolve of the Lower House contained in the Extract you will be pleased to make Application for an Inspection or Examination of any Books, Papers, or Records in my Custody I shall be ready to do every thing in my Power Consistent with my security and Duty, for your Assistance and Accommodation.

20th February 1767. I am Gentlemen
your most Obedient
humble Servant
Daniel Dulany.

At a Council held in the Council Chamber on Monday the 9th day of March in the Sixteenth year of his Lordship's Dominion Anno Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Benedict Calvert, Daniel Dulany John Ridout and Walter Dulany Esq^r

Read and approved of the Bonds of the following Sheriffs Viz^t Ann Arundel, Talbot and Somerset Counties, and also Read the Sheriffs' Bonds for Cecil and Calvert Counties, which does not agree with the directions of the Act of Assembly. Ordered therefore that the Clerk of this Board write to these Sheriffs directing them to return new Bonds immediately into the Secretary's Office drawn conformable to Law.

At a Council held at the Governor's on Tuesday the 10th day of March in the Sixteenth year of his Lordship's Dominion Anno: Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble Benjamin Tasker, Benedict Calvert Edw^d Lloyd, Rich^d Lee, Daniel Dulany, John Ridout and Walter Dulany Esq^{rs}

Lib. J. R. His Excellency is pleased to recommend to this Board to
& U. S. consider of proper means to be taken to Support and Prosecute
p. 450 the Appeal to the King and Council, agreed upon between the
two Houses of Assembly at the last Session, in Order that a
Speedy and effectual end may be put to the Debates that have
so long subsisted betwixt them.

It is the Unanimous Opinion of the Members of this Board
that they will Contribute towards the defraying the Ex-
pences that must necessarily attend the Prosecution of the
said Appeal, and that Hugh Hamersly Esq^r be employed as
Agent on behalf of the Upper House to manage the Business
in London and His Excellency is requested to engage him for
that purpose, by the first opportunity.

Ordered that Daniel Dulany John Ridout, and Charles
Goldsborough Esq^{rs} and Walter Dulany Esq^r draw up a full
Representation of the State of the Disputes betwixt the two
Houses and that they Extract from the Records such ma-
terials as they shall deem proper to Support the Pretensions
of the Upper House.

His Excellency is pleased to lay the two following Extracts
of Letters from Hugh Hamersly Esq^r before this Board de-
siring their Advice thereon.

22^d March 1766.

His Lordship ever attentive to the Interests of his People
has Conceived that a Copper Coinage may be of Use in pro-
moting a Circulation of Specie, if your Excellency should be
of the same opinion and should find it agreeable to the Prov-
ince His Lordship is very willing to undertake without any
Advantage to himself the Coining a proper Quantity of Cop-
per equivalent to the English Standard to answer a requisite
Currency, or if it will be more agreeable to you to have the
Coinage at home his Lordship is equally ready to pay his
Compliment by sending over a proper Dye and if the Province
will take upon them the Charge he will endeavour to find out
Proper Persons to execute it upon the easiest Terms.

8th Nov^r 1766. His Lordship's only View in proposing the
Copper Coinage was to promote the good of the Province,
whether this Measure will have that Tendency your Excel-
lency and the Council are the best Judges and his Lordship will
very readily conform to your Sentiments as you are apprized
of his Motives.

Whereupon the Board expresses their Sense of his Lord-
ships kind Intention and desire to serve the Province but give
it as their Opinion that as there has been a late Emission of

Bills of Credit it does not appear expedient to propose a
Copper Coinage at this time.

Lib. J. R.
& U. S.

At a Council held at the Governor's on Thursday the 2^d day of April in the Sixteenth year of his Lordship's Dominion Anno Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, John Ridout Cha^s Goldsborough and Walter Dulany Esq^r

His Excellency is pleased to lay before this Board the following Address from Sundry Inhabitants of Baltimore Town.

To his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

May it please your Excellency

We the Inhabitants of Baltimore Town, ever desirous of shewing our Loyalty to the best of Kings; beg leave to Address your Excellency on an Affair which we deem Important and if not attended to in time may interrupt the future Welfare of many of his Majestys faithful Subjects.

About Eight Months past a Number of French Neutrals from this Place and other parts Embarked as we always understood on a Voyage to Pensacola, but have since learnt they have Landed at New Orleans and are become Subjects of the French King; another Body of these People near 300 in Number are now preparing to embark from hence in Order to go to the same Place.

When we consider how well these People are acquainted with the Navigation of our Bay That of Delaware and of Fundy that many have Piloted Vessels into the Harbour of Boston and New York, We have but too much Reason to apprehend that in Case of a future Rupture with France or Spain they must do inconceivable prejudice to the Commerce of this Continent.

p. 451

When we reflect on the inveterate Hatred they retain against this Nation on Account of their having been Supplanted from their Lands in Acadia, we think it highly impolitic (not to say imprudent) to suffer them to settle among our Avow'd Enemies on the back of a new Colony where they may possibly Foment a Misunderstanding between us and the Indians to the great Detriment of his Majesty's faithful Subjects. With the Strictest Truth we can assure your Excellency that no Public Animosity or Private Pique to these

Lib. J. R. People have induced us to Address your Excellency on this
& U. S. Subject but merely Duty to our King and Justice to our
Country. We flatter Ourselves therefore that your Excel-
lency will take the Premisses into Consideration, And as to
Northward his Majesty has Territory enough to accommo-
date them & Millions more, That your Excellency will not
permit them to depart for New Orleans or any other French
Settlement, notwithstanding other Governments have per-
mitted it. Permit us Sir on this Occasion to express our sincere
Regard for you and our hearty wishes for your Health and
Prosperity, and that your Excellency may long continue to
Preside over Us.

Thomas Chase	John Moale	David McLure
John Ridgely	Will ^m Spear	Cha ^s Ridgely Jun.
Ruxton Gay	James Sterrett	Benj: Griffith
Andrew Buchanan	Dan ^l Chamier	John Moore
William Lux	Benj: Rogers	Melchor Keener
Darby Lux	Alexander Lawson	John Hart
John Smith	Alex ^r Steuart	Valentine Lerrick
Samuel Brown	Tho ^s Worthington	William Moore Jun.
Will ^m Aisquith	John McLure	William Moore Sen.

It is the Advice and Opinion of this Board that his Excel-
lency ought not in Consequence of the Address to take any
Measures to prevent the Departure of these People.

Read the Conviction of Negro Toby late of Dorchester
County the Slave of a certain William Ennals of said County
whereby it appears that Sentence of Death has been passed
upon the said Negro for a certain Burglary by him Com-
mitted in Breaking open the House of the afs^d William Ennals
and Stealing from thence a Purse of the Value of five Shil-
lings Current Money of Maryland, and also the Quantity of
four hundred Spanish Milled Dollars of the Value of One
hundred and twenty Pounds Current Money of Maryland.
Read the Conviction of Negro Glasgow late of Dorchester
County Labourer the Slave of Benjamin Keene of said County
whereby it appears that Sentence of Death has been passed
upon the said Negro, for attempting to Poison a certain Negro
Man named Quomony the Slave of William Ennals of Dor-
chester County. Order that Death Warrants issue for the
Execution of the said Negroes Toby and Glasgow on Wednes-
day the 6th day of May next, which issued accordingly.

Ordered that the present General Assembly of this Prov-
ince which stands prorogued to Tuesday the fifth day of
May next, be further prorogued to Tuesday the 28th day of
July next and Proclamations issued accordingly.

At a Council held at the Governor's on Wednesday the 15th day of Opril in the Sixteenth year of his Lordship's Dominion Anno Domini 1767. Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Benedict Calvert, Daniel Dulany and John Ridout Esq^{rs}

His Excellency having been Pleased to represent to the Council that in Consequence of an Application from John Redick of Frederick County complaining that he was forcibly kept out of Possession of a Tract of Land called Carrolls Delight by Persons pretending to Deny the Jurisdiction of the Government of Maryland over the said Land and claiming to be within the Jurisdiction of Pennsylvania he had wrote a Letter to the honourable John Penn Esq^r Governor of Pennsylvania acquainting him therewith, And having laid before the Council for their Advice Governor Penn's Answer thereto, and also the Record of the Proceedings and Opinion of the Magistrates of Frederick County Court together with other Papers relative thereto, which are as follows. p. 452

Philadelphia 5th April 1767.

Sir

I received your Favor of the 26th March last by John Redick, who appears to have been very injuriously and cruelly treated and being sincerely disposed to assist him as well as to promote the Peace and Tranquility of the two Provinces, I could wish it were in my Power to afford him the Redress his wrongs so loudly demand. It appears that the Land of which he has been dispossessed was granted by Lord Baltimore in the year 1735. and was possessed under that Grant in the year 1738. when the Royal Order for settling the Temporary Line was made, by that Order the Possessions of Lands, though beyond the Temporary Limit prescribed by it, and the Jurisdictions of the respective Proprietors, were to remain as they then were till the boundaries between the two Provinces should be finally settled.

The Right of Jurisdiction therefore depends on the Determination of a previous Question, which is, Whether what the Commissioners have hitherto done is a final Settlement of the Boundaries; and I confess I cannot help being of Opinion, that as things stand the matter is not yet brought to such an issue as to make it prudent for this Government to interpose on this Occasion and I am the more Confirmed in this Opinion because the Jurisdiction on either side the tangent Line still remains unchanged, though the boundaries have for some

Lib. J. R. time been set up in that Line. Another Consideration, that
& U. S. induces me to decline any interposition in the affair is that
the Person now in Possession had the Deed under which he
Claims, recorded in Maryland, and has paid the Quit Rent of
the Land, ever since the Violence Committed, to the Agents
of Lord Baltimore, and thereby, as I conceive, he not only
hath acknowledged, but your Government hath claimed and
exercised Jurisdiction in this Case. But though I cannot for
the Reasons I have offered, afford the injured Person the
Relief he stands in need of, you may be assured that those who
have injured him shall receive all Possible discountenance
from this Government.

I have the honour to be with great Regard
Sir your most obedient humble Servant

His Excellency John Penn.
Gov^r Sharpe.

We the Magistrates of Frederick County Court hereby
certify that the following Proceedings in a forcible Entry
and Detainer committed upon part of a Tract of Land called
Carrolls Delight were exhibited to us at a Court held for the
same County on the Seventh Day of December in the year
Seventeen hundred and Sixty Six Viz^t

Frederick County to wit.

p. 453 Thomas Price Gentleman One of the Justices of the Right
honourable the Lord Proprietary assigned to keep the Peace
in Frederick County aforesaid, To George Scott Esq^r Sheriff
of the same County Greeting On behalf of the Right hon-
ourable the Lord Proprietary that now is I command and
direct you that you cause to come before me or some other of
his Lordship's Justices of the Peace on a certain Tract of Land
called Carrolls Delight on that part of the said Tract of Land
whereon the House of John Reddick Stands in the County
aforesaid on the Sixth day of November next coming twenty
four good Sufficient and lawfull Men of the Neighbourhood of
the said Land, in the County aforesaid every one of which
shall have forty Shillings Sterling of Lands or Tenements or
Rent a year at least beyond Reprizes to enquire upon their
Oath for the said Proprietary of an Entry made with strong
hand in and upon the Land of a certain John Reddick of
Frederick County aforesaid against the Peace of the Right
honourable the Lord Proprietary and against the Statute in
that Case made and Provided and see that upon each Juror by
you in this behalf impannelled you return Twenty Shillings
Sterling issues on the day aforesaid. Hereof fail not under
the Pain of incurring a fine of the sum of Twenty Pounds

Sterling if you shall be fearful or remiss in the Execution of the Premises, And this shall be your Warrant. Witness myself this third day of November in the Sixteenth of his Lordships the said Lord Proprietary's Dominion and in the year of Our Lord God Seventeen hundred and Sixty Six.

Lib. J. R.
& U. S.

(Signed) Tho^s Price

Upon an Inquisition taken for the Lord Proprietary of the Province of Maryland on the Sixth day of November in the Sixteenth year of his said Lordship's Dominion and in the year of Our Lord God Seventeen hundred and Sixty Six before William Blair Gentleman One of the Justices of the said Lord Proprietary assigned to keep the Peace in Frederick County in the Province of Maryland aforesaid and appointed to hear and determine divers felonies Trespasses and misdemeanours in the same County committed, the Jurors upon their Oath say, That John Redick of Frederick County Farmer was for a long Time peaceably possessed and seised in his Demesne of fee in and of part of a Tract of Land called Carrolls Delight with its Appurtenances lying in Frederick County aforesaid, and his Seisin and Possession aforesaid so Continued till William Patterson, Samuel Hall, John Cockran and Thomas Cockran Labourers of Carrolls Delight and other Malefactors unknown on the Twenty eighth day of October last past with Force and Arms Viz^t Swords Knives and Guns upon the Land aforesaid Entered and him the said John Redick so disseised and expelled from the Land aforesaid from the twenty eighth day of October last past till the day of taking this Inquisition with the same force and Armed Power held out and Still do hold out to the great Disturbance of the Peace of the said Lord Proprietary and against the form of a Statute in such Case made and Provided. Signed and Sealed by William Waugh, James Young, Samuel Carrick, William Shieles, Richard Baird, James Stephenson, Ephraim Johnson William McCleane, John Carrick, Charles Robertson James Wilson and William Resk.

Upon which Inquisition the following Warrant for Restitution was made to the Sheriff of Frederick County. Frederick County to wit. William Blair One of the Justices of the Right honourable the Lord Proprietary assigned to keep the Peace in Frederick County aforesaid, To George Scott Esq^r Sheriff of Frederick County Greeting as it appeareth to me and as found by an Inquisition of the County before me on a Tract of Land called Carrolls Delight in the County aforesaid on the Sixth day of November in the year of Our Lord Seventeen hundred and Sixty Six upon the Oath of William

Lib. J. R.
& U. S.
p. 454

Waugh James Young, Samuel Carrick, William Shiels Richard Baird, James Stevenson, Ephraim Johnson William McClane John Carrick Charles Robinson James Wilson and William Resk and agreeable to the Statute in such Cases of forcible Entry Provided that William Paterson Samuel Hall, John Cockran and Thomas Cockran and other Malefactors unknown on the Twenty eighth day of October last past in and upon the Land of a certain John Redick being part of a Tract of Land called Carrolls Delight lying in the County aforesaid with force and Arms entered and the said John Redick with a Strong hand disseized and from thence expelled and the said John Redick so expelled from the said Land from the said Twenty eighth day of October until the day of taking the said Inquisition with a Strong hand and Power held out as by the Inquisition aforesaid it more fully appears therefore on behalf of the said Lord Proprietary I order and Command you (to do this being lawfully required) together with the Power of the County if it be necessary you go to the Land and Premises aforesaid and it with its Appurtenances you cause to be resealed and redelivered to the aforesaid John Redick and him in full Possession thereof to be put, And the Land and Premises to be restored to the said John Redick as full as he was Seised and possessed thereof before the Entry aforesaid according to the form and Effect of the Statute aforesaid. Hereof in no part fail at your Peril. Witness myself the aforesaid William Blair this Sixth day of November in the year of Our Lord Seventeen hundred and Sixty Six.

Given under my hand and Seal.

(Signed) Will^m Blair

Which Warrant after the making thereof was delivered to George Scott Esq^r Sheriff of Frederick County to be executed, And the said Sheriff made a return to the said Warrant that he could not execute it by reason of Resistance from William Patterson, Samuel Hall, John Cockran, Thomas Cockran and others unknown.

Upon which Case and Proceeding our Opinion being prayed we Considering the dangerous Consequences which might attend an attempt forcibly to make a Restitution to the said John Redick by summoning the Power of the County and not being well assured in what manner the Dispute between the two Proprietaries relating to the Divisional Line of the Province of Maryland and Pennsylvania is settled, the Land upon which the forcible Entry aforesaid was Committed having been Patented under Lord Baltimore and falling on the Pensilvania side of the Divisional Line; did not think it expe-

dient in present Circumstances to proceed further, but we recommended to the said John Redick an Application to His Excellency the Governor of Maryland for Redress at the same time M^r William Blair the Magistrate before whom the Inquisition aforesaid was taken made Oath that at the time of taking the Inquisition aforesaid the said William Paterson and many other Malefactors unknown to this Deponent being then in the House of John Redick aforesaid denied the Authority of any Judicial Officer of Maryland were armed with Guns forcibly to defend themselves and refused the Sheriff Admittance, and as this Deponent is informed and verily believes continue to this time in the same State most Shamefully destroying the Substance claimed by the said Redick

Lib. J. R.
& U. S.

Samuel Beall Jun:	Evan Shelby
Cha ^s Jones	William Luckett
David Lynn	Thomas Price.
John Beall	

Your Petitioner's Father (Robert Redick) and William Paterson did agree to retract the Bargain respecting the Land, and Paterson in lieu thereof to accept of Wages and Convey back the Land, but the said Robert your Petitioner's Father at that time being pleased your Petitioner should be interested therein and to prevent trouble and Costs agreed if Paterson would Convey the Land and Premisses to your Petitioner it should be accepted as done to him, to which Paterson consenting Executed the Bond before mentioned to your Petitioner, in Consideration of which your Petitioner's Father gave up the Bond said Paterson Executed to him at the time of Conveyance whereby the said Paterson was obliged to allow him the said Robert to remain on the said Land without Molestation during his natural Life, and also executed a Bond jointly with your Petitioner obliging to pay Paterson Wages at the award of two Neighbours upon which Paterson departed the Land and premisses and left your Petitioner in the peaceable Possession thereof, upon Paterson's refusing compliance your Petitioner with his Father wrote to Charles Carroll Esq^r for Relief, who replied, that the Estate he had vested in your Petitioner's Father must again be vested in him before he could venture to Convey the Land Controverted to your Petitioner, upon which your Petitioner's Father last October waited on Esq^r Carroll for said purpose; but he declined to execute any more Deeds in pursuance of a promise made, till the whole Tract was paid, but advised your Petitioner to take a Conveyance of the Land he had vested in your Petitioner's Father, and if upon enquiry he found the Case as represented he would upon your Petitioner's vesting him again in the Land

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Lib. J. R. Conveyed by a Mistake Convey the Land design'd thereby to
& U. S. your Petitioner, which your Petitioner had executed before
M^r Hepburn a Provincial Justice and before your Petitioner's
return the forcible Entry was made.

On Consideration of the Premises this Board is of Opinion that the Jurisdiction of Maryland over the Land mentioned in the Proceedings, to which the Application of the Justices of Frederick County refer still remains, and is not affected by any thing hitherto done for the Purpose of carrying into Execution the Measure necessary for ascertaining the Boundaries of the two Provinces of Maryland and Pennsylvania and this Board are further confirmed in this opinion by having regard to Governor Penn's Letter on the Subject, by which he disclaims at present all Authority over the said Land and inasmuch as it was the especial Object of the Royal Interposition to preserve Order, and a due Administration of Justice on the Frontiers of the two Provinces with which gracious purpose a mutual Disclaimer of Jurisdiction in both Governments would be inconsistent, upon the whole Matter therefore it is the Advice of this Board that the Justices of Frederick County be informed that the Laws ought in the Premises to take their Course in the same manner as in any other Case within their Jurisdiction.

Read the two following Petitions from Sundry Inhabitants of Baltimore Town and County.

To His Excellency the Governor.

The Petition of several the Principal German Inhabitants of Baltimore Town in behalf of themselves and others

Most humbly Sheweth to your Excellency.

That a small number only, of your Petitioners understanding the English Language, they therefore are at a great Loss, charge and trouble, whenever called before, and when having Business with any of his Lordship's Justices of the County, who utter Strangers to your Petitioners' Language, Interpreters being not always to be had, and very expensive to them; the said Justices for want of a Clear apprehension of your Petitioners' Suits or Causes depending before them have often acted wrong mistaking the same.

And your Petitioners furthermore do Crave Leave to represent to your Excellency that the said Justices Viz^t Mess^r Gay, Rogers, Asquith Owings and Richard Richards have hitherto required taken and exacted exorbitant fees for doing such Business for your Petitioners, the which your said Petitioners do humbly apprehend and do humbly refer to your Excellency's Superior Knowledge the said Justices have no just Claim to,

from any Laws or Customs of this Province being advised his Lordship's Business and their Signing Warrants Probates of Accounts, Certificates in Regard of Tobacco not being made are no ways to be Charged to your Petitioners. Therefore your Petitioners humbly beg leave to refer the Premisses to your Excellency as also to mention that there being several Persons of your Petitioners' Country well Educated capable as others and willing to serve the Right honourable the Lord Proprietary in the Station of Magistrates, they humbly presume to hope One or more of them, as to your Excellency's Wisdom shall seem meet may by your Excellency be appointed, your said Petitioners being all Naturalized agreeable to the Act of Parliament made and provided in their Favour.

Lib. J. R.
& U. S.
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And your Petitioners as in Duty bound shall pray &c.

Morice Werster	Michael Shriak
William Lobley	John Pauer
Will ^m Hackle (Silversmith)	Adam Shak
Samuel Messersmith	Abraham Gribolet
Melchor Keener	William Hoffman
William Caaws	Daniel Barnett
Christ ^r Henneberger	Christ ^o Neis
Philip Heitshuh	Anthony Hinckle
Andrew Stigar	John Shrim
John Schligh	Christian Apeffel
Conradt Smith	Jacob Rock
Jacob Keepert	Michael Engle
Jacob Fowl	Moses League
Virtus Hartway	George Loble
Andrew Garing	Simon Mathery
John Srink	John Lewis Wittemberger
Philip Grace	Mathias Bersheb
Fred: Meyer	Adam Brandt
Peter Kinner	George Shack
Henry Hossteter	Leonard Young
Peter Streihback	Balthazar Formeab.
Christian Waskey	

To His Excellency the Governor.

The Petition of several the Principal Inhabitants of Middle River Upper and Lower Hundreds in Baltimore County.

Most humbly Sheweth to your Excellency

That your Petitioners owing to the want of Magistrates in their Extensive Neighbourhood, are therefore at a great Trouble and considerable Expence, to procure such Transactions being done before them as the Law directs, your Petitioners being under an absolute necessity in such Cases or

Lib. J. R. when having any Controversy among themselves, to make
& U. S. Journeys to Baltimore Town, and to Pay to Mess^{rs} Nicholas Ruxton Gay, Benjamin Rogers and William Aisquith such Fees they are pleased to Exact and Extort from your Petitioners, Commonly as follows Viz^t for the Signing a Search Warrant or Warrant of the Peace from Eighteen pence to two Shillings, for Certificates of no Tobacco being made three pence for Signing Probates of Accounts on Notes and Bonds Sixpence for Certificates of Estrays two Shillings, Burning of Squirrell Scalps one out of four equal to pence, and for the Signing or taking acknowledgements on Deeds two Shillings in Lieu of one, the only Fee allowed to his Lordships Justices by the Laws of this Province, the others being unprecedented Exactions Grievous to your Petitioners and they humbly apprehend reflecting on the good Rule and Dignity of Government.

Your Petitioners furthermore beg leave to inform your Excellency, There being in your Petitioners' Neighbourhood Gentlemen as well Descended as well Educated and as Capable as any in the Commission of the Peace, to serve his Lordship as Magistrates willing to transact Publick and private affairs without Fee or Reward, they humbly pray one or more of them be appointed for their Relief in the Premisses,

Your Petitioners furthermore beg to be indulged, and to recommend to your Excellency's Favour Cap^t William Bond who has heretofore served in the Station aforesaid with Credit and with general applause, but being through Infirmities rendered incapable to Act, then Prayed to be left out
p. 457 of the Commission until enabled by the Recovery of his former Health to serve his Lordship, your Excellency's Condescension in favour, and for the great relief of your Petitioners the Inhabitants of their Neighbourhood and others shall ever be most Gratefully remembered and Dutifully acknowledged.

And your Petitioners as in Duty bound will Pray &c.

James Richard	Benjamin Mead	Will ^m Bond Whithead
John Buck	Henry Oram	John Murray
Will ^m Bond Jun.	Chaney Hatten	Joseph Crook
Daniel Watkins	Richard Jones	

Ordered that the Clerk of this Board write the following Letter to the Gentlemen accused in the above Petitions acquainting them of the Matters laid to their Charge.

15th April 1767.

Gentlemen

I am ordered by the Governor and Council to acquaint you that two Petitions have been presented to His Excellency

signed by sundry Inhabitants of Baltimore County complain-
ing of your extorting various illegal and oppressive Fees for
Services performed by you as Magistrates, and that they will
be glad you will take proper Measures to acquit yourselves of
the Imputations laid to your Charge. You may have Copies
of the Petitions upon an Application to me for that purpose.

Lib. J. R.
& U. S.

To

I am &c.

The Worshipful Mess^{rs} Ruxton Gay, Upton Scott Cl: Con.
Benjamin Rogers, William Asquith,
Samuel Owings, and Rich^d Richards

Read the Conviction of Negro George Slave of a certain
Joseph Duvall of Prince Georges County and also the two
following Letters relative thereto.

March 24th 1767.

May it please your Excellency

Negro George Slave of Joseph Duvall of this County was
indicted before Us by the Grand Jury, for breaking open the
Meat House of William Waters Jun^r and Stealing from thence
a certain Quantity of Bacon and being arraigned the fourth
Tuesday of March Instant was on a fair and legal Tryal found
Guilty by the Petit Jury of the offence charged against him,
he pleaded not Guilty and persisted to the last in his innocence.

The only Witness against him was one of the Magistrates
of the County before whom he was first carried and who
Swore upon the Tryal that the Negro confessed the fact and
produced his Confession to that purport, and the owner of the
Bacon who Swore that the House was well secured and that
he was present and heard him Confess his Guilt before the
Magistrate.

The Negro by his Master's Account is valuable and it
Seems has Supported a Tolerable good Character till this
matter happened however we Submit the whole to your Ex-
cellency

and are

Your Excellency's most Obed^t very humble Servants

Joshua Beall Alex^r Symmer
David Crauford Jos: Sprigg.

Prince Georges County 5th April 1767.

May it please your Excellency

I am informed by M^r Joseph Duvall that he hath made an
Application to you to Pardon a negro of his who was Con-
victed at our last County Court of breaking my Meat House
and taking from thence a large Quantity of Bacon he tells me
that as I am the Person injured your Excellency requires my

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Lib. J. R. Acquiescence. If your Excellency is inclinable to extend your
& U.S. Mercy unto the poor wretch I humbly submit and am
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Your Excellencys very humble Servant
To William Walters
His Excellency Horatio Sharpe Esq^r

Ordered by His Excellency the Governor that Pardon issue
for the aforesaid Negro George which issued accordingly.

At a Council held at the Governor's on Tuesday the 21st day
of April in the Seventeenth year of his Lordship's Dominion
Anno Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, Daniel Dulany, John Ridout,
and Walter Dulany Esq^{rs}

Read the Transcript of the Conviction of John Wilson of
Ann Arundel County Condemned at Session of Assize held
for said County for a certain Felony by him Committed. The
Consideration of which is Postponed until the next Meeting.

His Excellency having represented to the Council that he
had been informed that James Barrance had taken out of the
Land Office an Escheat Warrant to affect a Tract of Land
called the Resurvey on Plunks Doubt late the Property of
George Mock of Frederick County, A German who Died
Seized thereof without having been Naturalized; and desired
their Opinion thereof. This Board Unanimously concur in
advising his Excellency to send an Order to the Judges of the
Land Office to make out no Grant on any Certificate returned
upon the above Escheat Warrant or any other Escheat War-
rant that may be taken out to affect the Lands of any For-
eigner who has not been Naturalized until his Lordships
Pleasure can be known.

At a Council held at the Governor's on Thursday the 30th
day of April in the Seventeenth year of His Lordship's Do-
minion Anno Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker Esq^r Daniel Dulany Esq^r
John Ridout Esq^r and Charles Goldsborough Esq^r

Read the following Letter from John Beale Bordley Esq^r Lib. J. R
and the Petition of John Wilson, and also took into Consideration his Conviction, Postponed at the last Meeting. & U. S.

Sir

After the Conviction of the Criminal Wilson, at the Ann Arundel Assizes, M^r Justice Ghiselin who took his Examination and Confession, informed me the Prisoner had his Promise that if he would make a free Confession and discover the Principal Offender he would use his Interest on his behalf and that he would be favoured or spared, or Words to that effect and that he believed the Prisoner would not have made any Confession but for the Promise. I intended to have mentioned this to your Excellency at M^r Ghiselin's instance, but it Slipt my Memory M^r Hepburn and I thought this Circumstance could not be Certified to your Excellency in Our Letter, it appearing not till after the Conviction and we were to Speak of the Evidence delivered in Court on which the Verdict was founded. M^r Ghiselin in his Evidence only declared that the Confession was taken by him and that the Prisoner made it freely. I am Sir p. 459

To	Your Excellency's most Obedient
His Excellency the Governor	humble Servant
29 th April 1767.	Beale Bordley.

Most Honoured Sir

As it is my hard Misfortune now to lay under Sentence of Death and under hard Irons and Chaines Confined down and knowing there is no One in this World can Release me but your Honour most humbly beg and pray for Compassion at your Hands and not let me Die as I was brought to it by a most Cruel and Vile Man ; I am now in Prime of Youth and heartily Repent for all my Crimes past and if you will please to Spare my Life I will forever hereafter Lead a Godly Honest Life and always have a Due Regard of running into any kind of Sin I should willingly be Banished of this Province and never more be seen in it, pray Good Sir have Compassion on your Poor afflicted Servant, and am with the greatest Submission.

John Wilson.

30th April 1767.

Ordered by his Excellency the Governor with the Advice of this Board that a Pardon issue for the above John Wilson on Condition of his leaving the City of Annapolis in 6 Hours and the Province in four Days ; which issued accordingly.

Lib. J. R. At a Council held at the Governor's on Saturday the 13th
& U. S. day of June in the Seventeenth year of his Lordship's Dominion Anno Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble Benjamin Tasker, John Ridout and Charles Goldsborough Esq^{rs}

Read the Transcript of the Conviction of Levi Thompson als Levi Game, als Levi Fortune Condemned at a Session of Assize held for Somerset County, for the Murder of a certain Jacob Aires and Negro Scipio.

Ordered by his Excellency the Governor with the Advice of this Board that Death Warrant issue for the Execution of the afs^d Levi Thompson als Levi Game als Levi Fortune, on Wednesday the 8th day of July next, which issued accordingly.

Read the Transcript of the Conviction of Thomas Hulme of Dorchester County Joiner Condemned at a Session of Assize held for said County, for breaking open the House of a certain William Ennals of said County and Stealing from thence Fifty Pounds of Sugar and fifty Pounds of Coffee the Goods and Chattels of the afs^d William Ennalls. Ordered therefore by his Excellency with the Advice of this Board that Death Warrant be issued for the Execution of the afs^d Thomas Hulme on Friday the 26th day of this Instant June. Ordered also that Death Warrant be issued for the Execution of Negro Toby Slave of William Ennals, for whom Death Warrant had been issued the 2^d day of April for his Execution on the 6th of May but His Excellency was pleased to Grant a Reprieve on the 17th of April until his further pleasure should be known, it is now therefore Ordered that the afore-said Negro Toby be Executed on Friday the 26th day of this Instant June.

Read the following Letters and Papers relative to the Petitions of Sundry Inhabitants of Baltimore Town and County, laid before this Board on the 15th of April

Baltimore Town 2^d May 1767.

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Sir

In Answer to your Letter to Myself and the other Magistrates Complained against by Petitions to the Governor, shall be much obliged if you will be pleased to let His Excellency know that a year ago last February I wrote to inform him my State of Health would not Permit me to serve any longer as a Magistrate and therefore requested to be left out of the next Commission of the Peace His Excellency should be pleased

to send to this County. Since which my Disorder has increased to such a degree as to render me almost incapable of Business of every kind and Confined me to my House for more than a year past nor have I pretended to act as a Magistrate unless now and then to take the Acknowledgement of a Deed or such easy Matters; and that much against my Inclination since last March Court was a year. Three or Four years ago the Justices of this County agreed to take moderate Satisfaction when they thought proper for any Writing in Civil Cases they should do for the People applying to them, such as acknowledgements to Deeds Bail Pieces, Supersedeas, Probates to Bonds Accounts &c. Certificates for Estrays, Shipping of Iron, of making no Tobacco, Burning Squirrell Heads, Protests for Masters of Vessels, Passes &c. But nothing for Writing and giving Judgments in Civil Cases to the best of my Remembrance. Since the above Agreement I often did and as often did not take the aforesaid Reasonable Satisfaction for my time and trouble for such Writing, And would Continue so to do were I willing, and thought Capable of being Continued in Commission. Were I inclinable I flatter myself I could get ample Testimonial of my Regular Conduct as a Justice of the Peace from every Man of Character and Credit that I am known to in this County, and from the Gentlemen of the Barr likewise. I beg leave to inform his Excellency of the Entire Falsity of the Petition said to be from the Principal Inhabitants of Middle River Upper and Lower Hundreds in Baltimore County complaining of their want of Magistrates. M^r Walter Tolley dwells in Middle River Lower Hundred, M^r Benjamin Rogers for about two years past has Chiefly resided at his Plantation and Store in Middle River Upper Hundred, Major Franklin Dwells within about a Mile of the Edge of the Former and Col^o Will^m Young within about the same Distance of the Edge of the latter Hundred And no two Hundreds in this County have so many Justices Convenient to them as those, which his Excellency may soon see by looking on a Map of this County he was formerly pleased to accept from me. Not One of those Persons who Signed that Petition live in Middle River Upper Hundred nor within seven or Eight Miles of it, nor does James Richards the Promoter of that Petition dwell in either of them Henry Oram One of the Signers is a County Petitioner and has no certain place of Abode and most of the other few Signers to that Petition are far from being Principal Inhabitants of Middle River Lower hundred but rather the Contrary; nor can I remember ever to have done the least Justice Business for any of them. It is also false the Person recommended in that Petition to be reinstated as a Magistrate ever had General Applause as One; nor did he

Lib. J. R.
& U. S.

Lib. J. R. decline Acting thro' Infirmary, it is well known he was left
& U. S. out of the Commission about 20 years ago (without the least
Notice) when he was in the Prime of Life and full Health,
as it was then reported for Inebriety, Gaming and keeping low
Company, and for several years past he has been infirm with
the Gout and other Disorders.

To I am Sir
Upton Scott Esq^r Clerk of the Council } your humble Serv^t
Ruxton Gay.

Baltimore Town 22^d April 1767.

Sir

M^r Ruxton Gay handed to me this day yours directed by
Order of the Governor and Council to Mess^{rs} Nicholas Ruxton
Gay, William Aisquith, Samuel Owings, Richard Richard and
myself, acquainting us that two Petitions Signed by Sundry
Inhabitants of this County have been presented to his Excel-
lency Complaining of Our extorting various illegal and Op-
pressive Fees for Services Performed by us as Magistrates
p. 461 and that we must take proper Measures to acquit Ourselves of
the Imputations with which we are Charged; As for my own
part I do deny the Charge of the Petitioners being very Sen-
sible have not taken any Fee from any Persons for performing
my Duty as a Magistrate. But as a Private Person I make a
point of making People Pay me for writing for them, which I
think no Law nor the Oath I have taken as a Magistrate can
prevent me for so doing. Should his Excellency and Council
think it necessary for me to appear before them with any of
the Petitioners or all of them I will readily do it, were I can
make every of the said Petitioners appear Persons of no truth
in regard to their Charge against me as a Magistrate. I hope
you will Please send me p the first Convenient Opportunity
Copies of the two Petitions that I may have an Opportunity
of knowing the Petitioners I am Sir

your most Obed^t and hble Serv^t

P. S. Pray set the Petitioners Benjamin Rogers.
Names down I will pay all Charges
for them.

To
Upton Scott Esq^{rs}

To His Excellency Horatio Sharpe Esq^r

We the Subscribers, Inhabitants of Baltimore Town after
Reading or hearing Read a Copy of a Petition of part of the
German Inhabitants of the Town setting forth their Ag-
grievances to your Excellency, that but a Small number of
them understand the English Language and they are at a
great Expence to get Interpreters which they say are not

always to be had, when they have any Business to transact or do before any of the Magistrates of the Town or else where, and that they are often wronged for the want of a clear Apprehension of their Case or Causes before them And that Mess^{rs} Gay, Rogers Aisquith Owings and Richard Richards have hitherto required taken and exacted Exorbitant Fees from the Petitioners for Services done by them as Magistrates.

Lib. J. R.
& U. S.

We the Subscribers whose names are hereto affixed think it Our Duty to acquaint your Excellency, That the Complaint of the German Inhabitants of the Town as to their not Understanding the English Language, is in some Respects true; But there are but few of them but can Speak English so as to be understood and Interpreters are always to be had when Occasion required them, there being a great Number that understand both Dutch and English especially in Town and we very believe whenever Occasion has required Mr. William Aisquith One of the Magistrates Complained of calls them in, in Order to have matters explained, and as to the Complaint as set forth in the Petition against M^r William Aisquith, for taking exorbitant fees for doing any Services as a Magistrate We do hereby Certifie to your Excellency that M^r Aisquith at all Times when we had any Business to do before him as a Magistrate never demanded exacted or received from Us for doing any Services whatsoever in the Duty of his Office any fee or Reward from any of Us more than he was Justly intituled to.

And we humbly beg leave to make this Remonstrance to your Excellency at the Request of M^r William Aisquith Who has served us in the Station of a Magistrate these several years past and always behaved himself in such a Manner as gave General Satisfaction to Us all.

Thomas Chase	James Mayes
John Stevenson	Rob ^t Manley
Andrew Buchanan	Ja ^s Kelley
Robert Alexander	Inones Dorling
Alexander Steuart	John Wilkinson
Joseph Burgess	David Humphrey
Henry Stevenson	Robert Robison
James Christie Jun.	George Williams
D: Chamier	Jonathan Plowman
R Moale	Robert Christie Jun.
Cha ^s Rogers	Alex ^r Steuhouse
James Cox	Rob ^t Adair
Sam ^l Bailey	Tho ^s Harrison
Cha ^s Ridgely Jun.	William Smith

Lib. J. R.
& U. S.

John M ^c Lure	John Buchan
Mark Alexander	George Aston
James Smith	David M ^c Clellan
Aaron Mattijon	Francis Thomas
Nathan Griffith	John Cannon
Henry James	John Lees
Will ^m Moore Jun.	Nich ^s Jones
Alex ^r Leith	William Spear
William Goodwin	William Lock
Brian Philpot	James Boyd
John Ridgely	John Moale
John Merryman Jun.	John Moore
Her ^s Courtenay	Const. Bull
Alex. M ^c Mechan	Will ^m Young Jun.
William Adams	John Marcery
J: Worthington	Will ^m Lux
Robert Mullan	Rob ^t Purviance
Ewing and Brown	James Sterrett
William Dunlop	Tho ^s Ewing
John Deaver	John Boyd.
William Wilson	German Inhabitants
Sam ^l Thompson	Twenty three in Number.

Whereas We the Subscribers with a few others, a few weeks ago did Sign a Petition to His Excellency the Governor, complaining of the want of a Magistrate in Middle River Upper and Lower Hundreds and Charging Mess^{rs} Nich^s Ruxton Gay, William Aisquith and Benjamin Rogers with exacting from us exorbitant and illegal fees for Services performed by them as Magistrates.

We do now hereby declare to his Excellency and all others concerned that we were Imposed upon by James Richard who induced us to Sign the aforesaid Petition without any one of Us reading the same or knowing what was therein Contained any farther than he the said James Richards told us which was only to have Cap^t William Bond put in the Commission of the Peace and We hereby further Certify that neither of the Justices mentioned in the aforesaid Petition ever took any fee from Us for doing any Business as Justices, nor did we intend to Charge them with so doing, nor intend to pray for any thing more than to have the said Cap^t William Bond made a Magistrate for the Convenience of the Inhabitants of Middle River Neck.

16th May 1767.

John Buck	John Murry
William Bond Whithead	Chania Hetten
Benjamin Mead	

On Consideration of the above Letters and Papers it is the Lib. J. R.
Advice of this Board, that the two Petitions read at this & U. S.
Board on the 15th of April last, complaining of Sundry Magistrates in Baltimore County be dismissed.

Read the following Letters and Petition relative to a Complaint of Sundry Inhabitants of Frederick County against Cap^t Peter Bainbridge, in a Petition and Depositions laid before this Board on the 24th of December last.

Sir

I send you a Petition Signed by twenty One Men that Signed that Petition you have that is preferred to the Governor against me, I am certain if I was to take the trouble to go about the Country to hunt them up they would all Sign the Petition for me to be Continued, some of them is gone to Carolina and some to Pittsburgh and some to Redston and some are young Lads in short Shuman got any one to Sign to increase the Number, I have took the trouble to go to some of the best of them, but God knows bad is the best, there is one Philip Rodenpiller mentioned in the Petition, I send you a few lines that he has Signed, you must know that he is a weaver by Trade at the time I went out to Cumberland he weaved for me and since, as for my part I know nothing of the matter, he says when I was going out to Cumberland I asked him to go he made answer he would be glad if I would leave him at home, he said his Brother died a few days ago and his Father was Sick and he was alone on the Plantation, if he went he should get nothing sowed in the Ground that fall, if I would let him stay at home he would do me a kindness upon that he says I let him stay. He further says when he brought in his Account for me to pay him he kept back one Piece for leaving him at home to the Value of Eighteen or nineteen Shillings, now if he had brought in his whole Account as I expected he had I should a paid him, I can be Qualified I never knew I owed him one farthing or ever was to receive any gratuity from him upon that Account untill that Petition was set on Foot, when I heard of it I went to him and asked him if I owed him upon that he made Answer as aforesaid, I then settled with him and paid him off. The next thing I am charged with in the Petition is about One Samuel Armit and his Wife it would take a great deal of time to answer that part of the Petition and tire your Patience to hear it, however I deny the charge they have made against me it's so far from my having any of their Effects in my Hands that Samuel Armit now owes me thirty nine Pounds and I am affraid I shall never get One farthing of it, if I have acted any ways Contrary to Law why

Lib. J. R. dont they sue me if they had any Cause of Action they would
& U. S. long ago. The next is about One Saylor a Dutch Man I think it was about four years ago One Leaser Sued him and was brought before me, Leaser proved his Account and Saylor made answer he had an Account to prove I asked him what it was, he said it was for nursing Leaser in the Small Pox the aforesaid Leaser had it very light and after he got well he worked for him some time until Saylor was Satisfied for his trouble then I asked Saylor if he did intend to charge Leaser for the nursing of him at that time he made answer no if Leaser had not Warranted him and made him Mad he would a never said one Word about it so I think these trump Account and especially of a long standing ought not to be allowed.

The next is about one Michael Creagor a Worthless fellow as far as I can learn he lives some distance from me but where I know not, he pretends to prove his Assertion by some of his own sort only Samuel Magruder Constable I asked him about it he says he knows nothing of the matter its so far from my receiving double fees for One Warrant I dont get Single fees. I desire you will be so good as to send me three Summons's one for Peter Shuman and one for John Furguson and another for Thomas Johnson and appoint the first Wednesday in July for a hearing. and in so doing you will very much Oblige Sir
30th April 1767.

To Your very humble Servant
P: Bainbridge.
Upton Scott Esq^r Clerk of the Council.

This is to Certify to his Excellency that I Philip Rodenpiller and Peter Bainbridge have settled and made up all Our Accounts to this Day and the said Rodenpiller has nothing against the said Bainbridge being Continued in Commission, as Witness my hand this 27th day of April 1767.

Philip Rodenpiller.

To His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

The humble Petition of the Inhabitants of Ketockton hundred in Frederick County and Province aforesaid humbly Sheweth.

That some time ago a certain Peter Shuman went about with a Petition through the Neighbourhood and told some of us that it was a Petition to send to the Governor in Order to get a Dutch Justice, and others of us he told it was a Petition for a Road, and since Cap^t Bainbridge has got the Petition from Annapolis and Read it to us we declare that we know of no such things as he is Charged with in the aforesaid Petition

and we believe it to be done out of Spite and malice of two or three Ill disposed Persons without any Reason therefor we the neighbours of Cap^t Bainbridge beg it as a favour of your Excellency to Continue the aforesaid Cap^t Bainbridge in his Commission and your humble Petitioners will be for ever in Duty bound to pray.

Lib. J. R.
& U. S.

The above is Signed by Twenty One Persons who Signed the Petition preferred to this Board against Cap^t Bainbridge at a Meeting on the 24th December last and also by fifty two more.

p. 464

May it please your Excellency

As there has been a Petition lately sent down to your Excellency against Cap^t Peter Bainbridge, concerning his bad Conduct in several Affairs and as said Bainbridge has took all the Methods and Schemes possible to make said Petition Void and of none Effect, by scaring the Poor ignorant Dutch and Dunkards and going on the Sabbath Day to their Meetings and telling them that they must go to Annapolis and that they would be ruined if they did not Sign a Petition or Paper, that he had especially some of those People that had Signed the Petition against him, and therefore it is prayed that your Excellency will be pleased to Order Summons's for the following Persons as they can declare something of the Affair.

We are with respect your Excellencys
most humble and most Obedient
Servants.

Please to Summons, Philip Rodenpiller
Michael Kirkpatrick, Jacob Saylor
Michael Cragar, Peter Cragar
Valentine Cart, Isaac Colvin
Yost Blickenstaff, Thomas Johnson Sen,
Thomas Johnson Jun, and Valentine Madder.

Peter Shuman
John Ferguson.

To
His Excellency Horatio Sharpe Esq^r

Ordered that Summons's issue for both Parties which were issued accordingly Viz^t

You are hereby required to Summons Peter Shuman John Ferguson and Thomas Johnson that all Excuses set apart they make their Personal appearance before the Governor and Council at the City of Annapolis on Tuesday the eighth day of September next to Testify the Truth of their Knowledge on behalf of Cap^t Peter Bainbridge in a Matter in Question depending before them Hereof fail not at Your Peril

Signed p order
Upton Scott Cl: Con:

Annapolis 13th June 1767

Lib. J. R.
& U. S.

To the Sheriff of Frederick County.

You are hereby required to Summons Philip Rodenpiller, Michael Kirkpatrick, Jacob Sayler, Michael Creagar, Peter Creagar, Valentine Cart, Isaac Colvin, Yost Blickenstaff, Thomas Johnson Sen. Thomas Johnson jun. and Valentine Maddar that all Excuses set apart they make their Personal appearance before the Governor and Council at the City of Annapolis on Tuesday the eighth day of September next to Testify the Truth of their Knowledge on behalf of Peter Shuman and John Ferguson in a Matter in Question depending before them. Hereof fail not at your Peril.

Signed p order

Annapolis 13th June 1767.

Upton Scott Cl: Con:

To the Sheriff of Frederick County.

Ordered by His Excellency the Governor with the Advice of this Board that the present General Assembly of this Province which stands prorogued to Tuesday the 28th day of July next be further prorogued to Tuesday the 8th day of September next and Proclamations issued accordingly.

Lib. C. B.
No. 20
P. 1

At a Council held at the Governor's on Monday the 13th day of July in the Seventeenth Year of His Lordship's Oominion Anno Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Honourable Benjamin Tasker Esq^r John Ridout Esq^r and Walter Dulany Esq^r

His Excellency is pleased to lay the following Letter from Sir William Johnson before this Board and acquaint them that there are eleven Indians who brought it waiting for an Answer.

Johnson hall May 1st 1767.

Sir

Immediately on receipt of the Answers to my Letters concerning the Expence of Calling the Indians together, I dispatched Messengers to them, and have received an Account of their being on their way, but that they have been greatly retarded by the extraordinary floods, however I daily expect to hear of their arrival at the Frontiers where I am to meet them Altho' I sent only for the Chiefs yet I find that a Considerable Number beside are on their Way.

This Letter is to go by the "Nanticokes" from "Otsiningo" near the head of the Susquehanno River who go to your Gov-

ernment in order to bring off their people to Joyn them at their present Residence. I am fully persuaded you will give them all the Assistance and protection you can, and direct how their rights there are to be disposed of, which they are desirous of Selling as the Tuscaroras did who left N Carolina

Lib. C. B.
No. 20

Acts of Justice and kindness to these people particularly when the Indians in general appear discontented with the Conduct of many of the frontier Inhabitants cannot fail having a good effect. I have furnished them with a Passport for their Journey, and heartily wish they may pass unmolested.

I am with great Esteem Sir

Your most Obedient and very humble Servant

W. Johnson

The aforesaid Indians being introduced by M^r Amos Ogden their Interpreter his Excellency acquaints them that he will agreeable to Sir William Johnson's desire give them all the Assistance in his Power and write to some Gentlemen on the Eastern Shore and to all Officers Civil and Military to treat them with Civility on their Visit to their Brethren.

One of the Indians named Sam having represented that a certain Mary Crutchet who keeps Ferry on the North West Fork of Nanticoke River has refused to pay the Indians any Consideration for living on their Lands and further that some Lands belonging to them have been Occupied by the English several years (lying near the head of Wiccomoco four Miles below Venable's Mill) without any Purchase having been made from the Indians His Excellency was pleased further to acquaint them that he will make strict enquiry into the Grounds of their Complaint. In Consequence of which the following Letters being drawn were read and approved of

Annapolis 13th July 1767

Gentlemen

This will be presented to you by some Indians who formerly lived in this Province but have for some years resided at a place called Otsiningo near the head of Susquehannah having been incorporated with the Six Nations several of whom now accompany them in order to give an Invitation to the Indians that still remain in this Province to relinquish their Lands here and go back and settle with them at Otsiningo.

They alledge that the Indians at Locust Neck and on Nanticoke sent lately to their Brethren of the Six Nations to come for them and carry them back so that they may live together and be one People and expect to find them willing and ready to go in case they may be permitted to sell their Right to the

Lib. C. B. Lands which they hold in Somerset and Dorchester Counties
 No. 20 by Virtue of Grants from the Lord Proprietary and Sundry
 Acts of Assembly which you know are appropriated to their
 use on certain Conditions therein mentioned.

Tho' I cannot before the Assembly meets proceed so far as to make an Absolute Agreement with the Nanticoke and Choptank Indians for their Rights to the several Tracts they occupy should they be all willing to sell and remove out of the Province yet as Sir William Johnson desires I will suffer them to depart and also permit them to dispose of their Rights. I have signified to the Indians who are come from Otsiningo that they may pursue their Journey to Choptank and Nanticoke to meet and talk with the Indians that live there and also to take them away if the latter are willing to go but not to use any Compulsary Methods.

Presuming that you are acquainted with the Lands held or claimed by the Nanticoke and Choptank Indians and that you know the Principal People among them I take the Liberty to desire you will be present at the Meeting of these Indians with those who dwell on Choptank and Nanticoke and rather encourage the latter to accept of the others' Invitation than discourage them from going, for I have no doubt but the Assembly when it meets will be inclined to make them some Compensation for their Right to the Land which on their relinquishing it is to be at the Assembly's Disposal and suppose that the Persons who are to succeed to such Land as on the Indians' Departure will fall to the descendants of the Original Grantees will not be averse to making them likewise some Compensation. If therefore you find that all the Indians at present in Possession are willing to relinquish all their Pretensions and go away I recommend it to you to learn from them if you can what they would consider as a Satisfaction for their Right to the several and respective Tracts, I should be also glad to know the real Value of those Several Tracts the Quantity contained in each the Improvements thereon, to what Persons parts thereof are leased and on what Terms. As it hath been represented to me that some White Persons who are settled on the Indians' Land have not paid them any Rent for several Years particularly Mary Crutchet and one Adams I hope you will take the trouble to make enquiry and if you find that the Indians have just Cause of Complaint against those Persons or any others exert yourselves so that the Indians may have Justice done them. The Indian called Sam tells me that they have a Claim to some Land at the head of Wiccomoco about four Miles below Venable's Mill but that the English several Years ago took Possession of it without

making any purchase, if upon Enquiry you find that Fact was as he represents it be pleased to inform me who are at present in Possession of the Land and how many Acres the Tract is supposed to contain.

Lib. C. B.
No. 20
p. 3

I am Gentlemen
Your most humble Servant
Hor^o Sharpe

To Col^o Henry Ennalls and
Charles Dickinson Esq^r in Dorchester
County.

M^r Ogden the Bearer hereof being appointed by Sir William Johnson to Conduct eleven Indians from the Six Nations to Dorchester and Somerset Counties in this Province in order to confer with the Indians that reside on Choptank and Nanticoke and to invite them to remove to Otsiningo I earnestly recommend it to all Officers and other Persons within this Province to permit the said eleven Indians with their Conductor to pass and repass freely thro' this Province also to supply them with such Provisions as they may want for which they are to produce their Accounts to the Assembly at the next Session. 13th July 1767.

Hor^o Sharpe.

The Indians having represented that they have travelled a great way and are in want of many Necessaries; It is the Advice of this Board that they be furnish'd with such Articles as are absolutely necessary for them, In Consequence thereof His Excellency was pleased to direct M^r Lancelot Jacques to supply them therewith which he did accordingly as appears by the following Account

Horatio Sharpe Esq^r Annapolis 13th July 1767
Bo^t of Lancelot Jacques for the use of several
Indians as follows Viz.

James I Castor Hat 15s/3½ yds I. Linnen 8/9	£1.. 3.. 9
George. 3½ y ^{ds} I. Linnen 8/9. 1 Match Co: Blankett 12/9-1½ y ^{ds} blue half thick 4/6. 1	} I.. 7.. 2
Knife ½	
Sam. 3½ y ^{ds} I: Linnen 8/9 1 Match Co. Blankett 12/9	} I.. 1.. 6
John Parish. 3½ y ^{ds} I. Linnen 8/9 1½ y ^{ds} half thick 4/10½	} 13.. 7½
Strikewood 1 Match Co: Blankett 12/9 3½ y ^{ds} I. Linnen 8/9 1½ yds. half thick 4/10½	} I.. 6.. 4½

Lib. C. B.	Old Ketle. 1 Match Co: Blankett 12/9 3½ y ^{ds} I.	}	1.. 6.. 4½
No. 20	Linnen 8/9 1⅝ y ^{ds} half thick 4/10½		
	Joshua. 1 Match C ^o Blankett 12/9. 3½ y ^{ds} I. Lin-	}	1.. 1.. 6
	nen 8/9		
	Little George. 1 Match C ^o Blankett 12/9 3½ y ^{ds} I.	}	1.. 1.. 6
	Linnen 8/9		
	John Siscomb. 3½ y ^{ds} I. Linnen 8/9 1⅝ y ^{ds} half	}	18.. 7½
	thick 4/10½ 1 Linnen handk ^{rs} 5/		
	Captain 1 Match Co: Blankett 12/9.. 3½ y ^{ds} J.	}	1.. 6.. 4½
	Linnen 8/9 1⅝ y ^{ds} half thick 4/10½		
	Ketty 3½ y ^{ds} J. Linnen 8/9 1 Match Co: Blankett	}	4.. 4.. 10
	12/9 4 y ^{ds} Ribbon ¾		
	2 Ounces of Nuns Thread 2 ^s / 1 Oz. Bal ^d ditto	}	3..
	1 ^s /		
			<hr/> £12..14.. 7½

22^d August 1767.

Ordered by His Excellency the Governor that the present General Assembly of this Province which stands prorogued to Tuesday the Eighth day of September next be further prorogued to Monday the 5th day of October next and Proclamations issued accordingly.

p. 4

11th September 1767

Ordered by His Excellency the Governor that the present General Assembly of this Province which stands prorogued to Monday the 5th day of October next, be further prorogued to Monday the 2nd day of November next and Proclamations issued accordingly.

At a Council held at the Governor's on Saturday the 10th day of October in the Seventeenth year of his Lordship's Dominion Anno Domini 1767

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable Benjamin Tasker, John Ridout and Walter Dulany Esq^{rs}

Read the Transcript of the Conviction of Patrick Cane Mullin, the following Report of the Western Assizes accompanying the same, And also a Petition from the said Mullin recommended by sundry Inhabitants of Baltimore County.

May it please Your Excellency 19th September 1767. Lib. C. B.
No. 20

At his Lordship's Court of Oyer and Terminer and Goal Delivery held for Baltimore County for the present Circuit, one Patrick Cane Mullen was Convicted, on full positive Proof by one Witness whose Testimony was in Circumstances corroborated by other Witnesses, of a Robbery on the King's Highway, a Transcript of the Record whereof is ordered to be laid before your Excellency.

The Prisoner is known by the sitting Judge to be the Person who, at the last Frederick Assizes was in Custody of the Sheriff on a Suspicion of Horse Stealing, having been committed therefor by the Warrant of a Justice of the Peace, but discharged by the Court for want of Evidence.

We are Sir, Your Excellency's most
To Obedient humble Servants
His Excellency Horatio Sharpe Esq^r J. Hepburn
Governor of Maryland. J Beale Bordley

To his Excellency Horatio Sharpe Esq^r
Captain General and Governor in Chief of the Province of Maryland.

The humble Petition of Patrick Cane Mullen of Baltimore County now languishing in Goal

Most humbly sheweth

That at the last Court of Assize for this County your Petitioner was in due form arraigned and convicted of Robbery, before the honourable the Judges thereof and received Sentence of Death accordingly.

That previous to his Trial, to prevent his sinking under the Rigour of the Law he did receive a Glass or two of Spirit, which as he has been informed Occasioned him to behave bold and amiss, to the displeasure of the honourable Court of which he heartily Repents.

That your Petitioner is duly sensible of his Guilt Penitent and sorrowful is become stedfastly resolved and fixed upon an Amendment of Life, to follow laborious Exercise for his livelihood and the good of Society, and to make full Reparation to mankind in general by commencing an useful Member, for the horrid and odious Crime, against the Laws of which he now stands legally Convicted.

p. 5

Your Petitioner most humbly prays your Excellency to give Ear to his Cause, That Pity and Compassion may plead it for him, That your Excellencys Pleasure may be to grant him a little time to carry his Resolution before recited into Execution, That should he never be guilty of the like again but

Lib. C. B. change to an useful Subject your Excellency may remember
No. 20 an Instance to err on the side of Mercy, rather than that of
Justice.

And as in duty bound to reform he will ever Pray &c.

Patrick Keen Mullin

Maryland Baltimore County.

To His Excellency Horatio Sharpe Esq^r &c.

The Prisoner Patrick Keen Mullin, appears Penitent and duly sensible of his Crime the danger of Transgressing the Laws, and really gives hope that should he meet with a Reprieve he may reform and become a Member rather useful than Injurious to Society. As 'tis his first Conviction, we humbly submit the whole to the Consideration of Your Excellency, As he does seem really penitent and appears in the Circumstance above. We the Neighbours who observe the wretched State of human Nature in him beg your Excellency's attention, and that Mercy may triumph over Justice in your Excellency's Breast.

And as in duty we shall pray &c.

	Hugh Dean	Charles Linn
	Jo. Hamm. Dorsey	William Bond
	John Ogden	Henry Gassaway
	Ham ^d John Cromwell	Walter Tolley Jun ^r
Joppa 26 th	Alex ^r Cowman	John Beale Howard
Sept. 1767	Robert Bishop	John Boyd
	John Dale	John Howard
	Robert Saunders	W ^m Presbury
	Zach ^a Onion	William Kitley
	James Maccomas	Arch ^d Buchanan
	Thomas Bond	

The Consideration of the above Matter is postponed.

Ordered that the Clerk of this Board receive from the respective Sheriffs the several Sums of Money and Tobacco which they have Collected in the years 1766 and 1767 on Accounts of the Lists of Provincial Amerciaments sent them by the Register of the Secretary's Office, that he sell the said Tobacco to the best advantage and render an Account to this Board of all such sums as he shall receive. Ordered also that he Write to such Sheriffs as have not rendered or paid off their several Balances for these years informing them that their Bonds will immediately be put in Suit if they do not render such Accounts and pay to the said Clerk what is due from them.

Ordered that the present General Assembly of this Province which stands prorogued to Monday the 2nd day of Novem-

ber next be further prorogued to Monday the Seventh day of
December next and Proclamations issued accordingly.

Lib. C. B
No. 20

At a Council held in the Council Chamber on Monday the p. 6
12th day of October in the Seventeenth Year of his Lord-
ship's Dominion Anno Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker, Benedict Calvert, John
Ridout & W. Dulany Esq^{rs}

His Excellency is pleased to lay before this Board the fol-
lowing Letters and Confession desiring their opinion thereon.

September 3^d 1767

Sir.

I was this day taken at Sharpsburgh with a Quantity of
Maryland Money which they say is Counterfeit and expect a
Gentleman who's Name is John Arington is at your House a
travelling a Stranger to me but he can make it appear how I
came by it there is some of the Money that is not Signed desire
him if you know where he is to come to me at Frederick Town
Goal and I am a Stranger in this part of the World and have
no Friends as I know of but if you know nothing of such man
desire you'l come yourself pray fail not upon the Peril of your
Life and you'l oblige

Your very humble Servant

Pray fail not coming to me

Michael Rogers

To M^r Joseph Wilcocks Living on
Maryland Line.

Dear Wife

I am very sorry to inform you of this Melancholy News that
I am apprehended & am now in Irons at Frederick Town in
Maryland I beg that you may take it as easy as you can and
come as soon as possible you can to see me and bring me as
much Money as you can I beg that you may go about among
my Friends and they will help you to Money, After you have
done what you can upon Smiths River I beg that you may go
into Amherst County and apply to Col^o William Cabbel and to
James Nivils and to all the heads of that County as my friends
and to my Brother John and apply yourself to Cap^t Thomas
Devenport in Cumberland County and he will do more for

Lib. C. B. you than all the rest it is needless to mention all for you know
No. 20 as well as I who to apply to.

am your Loving Husband

To Tabitha Depriest Pitsylvania W^m Depriest
County, Virginia.

Copy of a Letter from William Depriest alias William Williams to John Vulgamot.

My dear Friend

Now is push come, I have no other hopes to get out of Prison, unless I can give Security for Two hundred Pounds, and if you will be friend enough to do that for me I shall forever acknowledge my Life and favour to you Pray for God Almighty's sake fail not to do it, and that with great Speed for I must lie in Prison till the next Assize Court if you do not oblige me. I must beg of you as all Love and kindness not to turn a deaf Ear to my request, it is a matter of great moment and you shall never loose any thing by your good will to me and if I could talk to you I could convince you that you shall not be hurted, my dear Friend be not hard hearted with me for now a friend will do me some good. I am your Friend

and Well wisher
William Williams

To M^r John Vulgamot.

p. 7 The Confession of William Depriest alias William Williams taken before me, one of His Lordship's Justices for Frederick County Sayeth That a certain Joseph Wilcox and John Cox, both of said County, did sometime last May bring an Eighth Dollar Bill of Credit of Maryland to the said Depriest's House, on Marrowbone Creek Smiths River, Pitsylvania County in the Colony of Virginia, to get him to endeavour to Counterfeit it, that one Nathaniel Abney found the Printing Types to make the Stamp and Ink both which he got from Williamsburg that one David Lyles who lives in said County printed the Money, and one Michael Hill Rogers Signed the same The sum which was Counterfeited was Five hundred Eight Dollar Bills, That William Redman and John Ethrington of Loudon County in Virginia, were to receive it from Michael Hill Rogers at an appointed place in order to pass the same, That if they could not pass the Counterfeit Money there was a proposal made by the said Rogers, Redman and Ethrington that the said William Depriest should join them in Robbing on the High way and plundering the Houses on the Frontiers of Virginia Maryland, and Pensylvania in which the said Depriest refused to join them

Signed
William Depriest

Taken before me Sept^r 25th 1767
Signed

Thomas Price

Sir

Lib. C. B.
No. 20

Inclosed you will please receive a Copy of the Confession of William Williams alias William Depriest, charged with Counterfiting and passing the Bills of Credit of this Province, now here safe in Custody, as also Copy of a Letter wrote by him to a Person suspected as an accomplice. Since he made his Confession all diligence has been used to secure the Rest, and in consequence of that John Cox is Committed. As it is supposed that their Confederates are pretty numerous, there is great reason to suspect they will make an attempt to set at Liberty those in Custody, therefore should be glad to have directions, whether I might not order a Guard on the Prison in the Night time. for without orders from his Excellency to that purpose I find the People will not comply.

I am with due respect Sir

Your very humble Servant

G. Scott

To the Honble John Ridout Esq^r

On Consideration of the foregoing Letters and Confession it is the Advice of this Board that his Excellency give orders to the Sheriff of Frederick County to bring the said William Depriest alias William Williams and John Cox immediately and deliver them to the Sheriff of Ann Arundel County. In Consequence whereof his Excellency was pleased to issue the following Warrants.

Maryland ss:

Hor^o Sharpe By His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland. To the Sheriff of Frederick County. Whereas it hath been represented to me that there is great Reason to suspect that an attempt will be made to set at Liberty William Depriest alias William Williams and John Cox now in your Custody being committed on Suspicion of having Counterfeited the Bills of Credit of this Province and knowingly passed the same and Whereas it is of great Importance that they should if Guilty be brought to Condign Punishment, this is therefore to order and require you that, immediately on the Receipt hereof, you conduct the said William Depriest alias William Williams and John Cox or either of them, that shall then remain in your Custody, well guarded and them safe deliver into the Custody of the Sheriff of Ann Arundel County and for so doing this shall be your Sufficient Warrant. Given under my hand and Seal at Annapolis this 12th day of October in the Seventeenth year of his Lordship's Dominion Anno Domini 1767. p. 8

Lib. C. B. Maryland ss.

No. 20

By his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

To the Sheriff of Ann Arundel County

You are hereby ordered to receive into your Custody from the Sheriff of Frederick County, to whose Custody they have been Committed on Suspicion of having Counterfeited the Bills of Credit of this Province and knowingly passed the same the Bodies of William Depriest alias William Williams and John Cox and them safe keep in your Goal of Ann Arundel County until they shall be delivered by due Course of Law, and for so doing this shall be your sufficient Warrant.

Given under my hand Seal at Annapolis this 12th day of October in the Seventeenth year of His Lordship's Dominion Anno Domini 1767.

Hor. Sharpe

At a Council held at the Governor's on Tuesday the 3^d day of November in the seventeenth year of his Lordship's Dominion Anno Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable Benjamin Tasker, Daniel Dulany, John Ridout, and Walter Dulany Esq^{rs}

Ordered that the General Assembly of this Province which stands prorogued to Monday the 7th day of December next be dissolved, and that Proclamations for that purpose issue dated the 12th Instant and that Writts issue for a new Election bearing date the 13th which were issued accordingly.

At a Council held at the Governor's on Friday the 4th day of December in the Seventeenth year of His Lordship's Dominion Anno Domini 1767.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Hon^{ble} Benjamin Tasker, Daniel Dulany and John Ridout Esquires.

Ordered that the present General Assembly of this Province which was to have met at the City of Annapolis the 26th Day of this Instant December be prorogued until the first

Monday in February next and Proclamations issued accordingly. Lib. C. B.
No. 20

Ordered that Pardon issue to Patrick Cane Mullin on Condition of his giving good Security to the Sheriff of Baltimore County that he will transport himself to Pensacola or some of the West India Islands and not to return again.

At a Council held at the Governor's on Monday the 4th Day p. 9
of January in the Seventeenth year of His Lordship's Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Hon^{ble} Daniel Dulany John Ridout and Walter Dulany Esq^{rs}

Ordered that the present General Assembly of this Province which stands Prorogued to the first Monday in February next be further Prorogued until the third Monday in May next and Proclamations issued accordingly.

At a Council held at the Governor's on Wednesday the 6th
Day of April in the Seventeenth year of His Lordship's Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Hon^{ble} Benjamin Tasker, Benedict Calvert, Daniel Dulany and John Ridout Esq^{rs}

His Excellency is pleased to lay before this Board the following Letter from the Sheriff of Somerset County desiring their Opinion thereon.

Somerset County March 26th 1768.

Sir

Last Week at our Court M^r William Allen forewarned me to pay the 30 per Poll without the Vestrys Order and told me that if I did I should be sued he had two of the Vestry James Gunby and Abraham Outten with him at the same time and called on several to take Notice as Witnesses, he told me that if I would not pay it the Vestry would give me a Bond with good Security to keep me Indemnified, he told me that the Matter should not rest here when I was Sued for that he would carry it to England, and that he would Spend all his

Lib. C. B. Estate upon it. I can't tell on what they build their Opinion
No. 20 and I have not Conversed with one Man of Sense in the
County but what says they are wrong. I thought it my Duty
to inform Your Excellency of it and assure you that I think it
my Duty and that it is my Inclination to act in this Affair and
all others in such a Manner as will be agreeable to Your
Excellency

I am Sir. Your most Obed^t Humble Serv^t
Isaac Coulbourn.

On Consideration of the above Letter it is the Advice and
opinion of this Honourable Board that M^r Isaac Coulbourn
Sheriff of Somerset County be recommended to pay the 30 per
Poll to M^r Reade that became due during his Officiating in
Coventry Parish on the said Read's giving Security to Indem-
nify him.

His Excellency is pleased to lay before this Board the fol-
lowing Extract of a Letter which he lately received from
Hugh Hamersley Esq^{rs}

M^r William Hunt who was Joint Trustee with M^r Capel
Hanbury for the Affairs relative to the Paper Currency being
dead, the latter has recommended M^r Osgood Hanbury his
Partner to be joined in the Trust with him with an Intimation
that the amount of the Commission for transacting the Busi-
ness is not large and that he and his late Partner have received
no more than £397..9..4 from it in all since the 28th April 1750.
His Lordship was unwilling to exercise his Power of Appoint-
ment if it be vested in him without knowing your Excellency's
Sentiments whether it will be agreeable to you or you think it
will be so to the Province the rather as the Unity of the Power
seems to Confine the Execution of the Trust to one Person
only and without thinking of any other Person from himself
he has permitted M^r Capel Hanbury to Act alone till he hears
from the Province and will then be glad to adopt the Person
they propose or at least whom they approve.

It is the Humble Opinion of this Board that M^r Osgood
Hanbury mentioned in the above Extract is a very proper
Person to Succeed M^r Hunt as a Trustee residing in London
for the Service of this Province.

p. 10 Ordered that the present General Assembly of this Province
which stands Prorogued to Monday the 16th Day of May next
be further Prorogued to Tuesday the 24th day of the same
Month and Proclamations issued accordingly.

At a Council held at the Governor's on Friday the 29th Day of April in the Eighteenth year of His Lordship's Dominion Anno Domini 1768. Lib. C. B.
No. 20

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Hon^{ble} Benjamin Tasker Daniel Dulany John Ridout and Walter Dulany Esq^{rs}

Read the Transcript of the Conviction of Richard Mansfield of Baltimore County Condemned at the last Assizes held for the said County, as also a Letter from the Justices recommending the said Mansfield to His Excellency for Mercy.

May it please your Excellency

Tuesday 12th April 1768

One Richard Mansfield was last Week Convicted before us at the Assizes for Baltimore County by the Verdict of a Jury, of Stealing the Horse of One Richard Rogers; The Evidence delivered in Court Justified the Verdict, but gave room for a belief in us that the Prisoner took the Horse only to his Habitation, a few Miles and then let him go and that he might intend no more.

The Prisoner made no Defence, but on being brought up to receive Sentence gave an affecting Relation of his Wife being delivered of a Child in a Loansome Wood Cutter's Cabbin without Assistance and that his Master being from Home he went to Town for Rum and Sugar for her a foot and being belated was uneasy for his Wife and seemed tacitly to admit the taking the Horse in order to get the sooner to her

This Account induced us to inquire and Examine Witnesses on Oath concerning the Truth of it which fully affirm it with a favourable Character of him delivered on Oath by his Master John Cockey Owings a reputable Farmer who also produced an Indenture proving him to be no Convict from abroad, under these Circumstances We cannot but recommend the Prisoner to Your Excellency as an Object of Mercy. And are Sir, Your Excellency's most Obed^t Humble Servants

J. Hepburn

J. B. Bordley

Whereupon it is Ordered by His Excellency the Governor with the Advice of this Board that a Pardon issue in favour of the said Mansfield which was issued accordingly.

His Excellency is pleased to lay before this Board the following Remonstrance of the Reverend M^r Philip Hughes and several other Papers relative thereto.

Lib. C. B. The Remonstrance of the Reverend Philip Hughes Rector
No. 20 of Coventry.

To His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

Humbly Sheweth. That your Remonstrant was Inducted to the Parish of Coventry, on the fifth day of last December 1767, and immediately repaired thither. Hearing of the factious Spirit, which did prevail among some of the Parishioners, and earnestly desirous to have Peace restored on the sound Basis of Harmony, and Good will, your Remonstrant obtained Letters, from a very worthy Gentleman, to facilitate an Introduction to the two Principal Persons in the Opposition to a Lawful Induction, and the reputed Authors of all the disturbances and distractions begun by them and fomented among some deluded People.

That he met his Vestry on the 21st of said Month in the Church Yard of Rahoboth, that his Induction was then and there Read, that the Church had been secured by the Vestry, with Boults and Nails and the Key taken from the Sexton, by them, some Weeks before your Remonstrant was appointed.

p. 11 That M^r Allen, in the Name of the Vestry, informed your Remonstrant, that they would be well pleased if the People, who should be assembled for that purpose, would elect him, they being the real Patrons, because they were the Founders, but if they did elect Him he must resign the Governor's Induction, and take One from them, and then he should receive the whole Salary, lacking one pound of Tobacco; That the Vestry, as Representatives of the People, would receive no Clergyman without their Election.

That when your Remonstrant demanded the Keys to perform Divine Service, on Christmas Day, he was refused until the Consent of the People should be obtained, and, not hearing from any Person on that head, he took Possession of his Church on Christmas day, read his Induction, then Prayers and Preached before Sufficient Evidence, and the next day took the Oaths by Law required; That the Meeting of the Parishioners, for their pretended Election, was appointed on the Eleventh day of last January, at which time he was desired to attend, which he refused to do; That Papers were posted up in several publick places, requiring the Attendance of the Parishioners, to know if they would accept of the Minister Inducted by the Governor, which Question being put on the Day appointed, they refused, the Greater part by far having never seen nor known your Remonstrant, It was a sufficient Objection to the Leaders that he shewed a Spirit not suitable to their purpose, that, at this Tumultuous and Seditious Meet-

ing, (such as had never been seen by many Persons before) some, who had Resolution enough to speak in favour of your Remonstrant, were threatned to be duckt in a Mill Pond, or dragged through a Fire alighted for the use of a sick Vestry Man in the Church yard; That M^r White was really seized to be thrown into the Mill Pond, That your Remonstrant was there severely threatned, should he dare to appear again, and two hundred Men agreed, by the Encouragement of the Leaders, to oppose him should he attempt to Preach at Dividing Creek Chappel as he intended when he should return, that the Churches were then better secured against the Ministers Entrance, with threats to shoot him down should he attempt to open them.

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That your Remonstrant, informed of these proceedings by Letters, repaired to his Parish and found the Intelligence he had received confirmed by the most reputable People, who had it from some sober well disposed Persons then and there present, that, having an Opportunity of a Passage to Annapolis with two Gentlemen, he set out there for Advice. That, on the day he parted from Annamassick, all the Vestry Men and the Church Wardens in Arms, (to the Terror of some Honest Men and Familys,) with Swamp Men and Shingle Makers, and the rest of their Banditti, which they had been collecting for two days and Nights, appeared one time at Rahoboth, and again at Annamassick, to oppose his Entrance into either Church.

That, at Annapolis, your Remonstrant had the Happiness to meet with a Gentleman well acquainted in the former disputes of that Parish, of transcendant Abilities, and Superior knowledge in the Law, who from a benevolent disposition to promote Peace and Tranquility, gratuitously condescended to state the nature of the former disputes, to lay my Lord Proprietor's Rights and their own Laws clearly before them, a true and exact Copy of which, compared before Witness, your Remonstrant sent to M^r Allen, and, after five Weeks, received the Letter that goes with this Remonstrance, in which they avow their design of opposing force by force.

That Madam Henry, Planner Williams Esq^{rs} Thomas Williams, Cap^t Horsey, Benjamin Langford &c. have been threatned with having their Houses torn down, and their Effects destroyed, for admitting your Remonstrant into their Houses; That, on the Road to his Duty, shots were fired from a certain House, and the Cause of it boasted of, this, and the Report of a Thousand Men to pull down the House of one M^r Cullen, where your Remonstrant was to preach, was industriously propagated by their Emmisaries, to frighten him out

Lib. C. B. of the Country, yet he went to the House with three Men
No. 20 in his Company.

Many sober well disposed Persons groan under such Tyranny, and Oppression, and lament that they are debarred of their Christian Liberty, and at present dare not complain, because of these Swamp Men and Bullies. Some new invented Lie is often broached to render your Remonstrant insignificant, to blacken his Character, and Poison the Minds of such as are under their Influence.

p. 12 Your Remonstrant, therefore, most humbly implores your Excellency to be pleased to take the Premisses into your Excellencys Consideration, and to grant unto Your Remonstrant such Relief as to Your Excellency shall seem proper.

April 29th 1768

Advertisement

Notice is hereby given to all Persons, that the Reverend Philip Hughes is Inducted into Coventry Parish, and the Vestry desires all the Parishioners to meet at Rahoboth Town Church, on Monday the 11th of January next, for to know their Sentiments concerning the receiving the said M^r Hughes.
p^r Order

Turnell Outten Reg^r

December 21st day 1767. N B if Monday be a bad day meet on Wednesday the 13th of Jan^y

I have no doubt of M^r Hughs's Inclination to restore, by all reasonable Means, Peace and Tranquillity to his Parish, and have therefore no Scruple in recommending to him an Endeavour to bring about a good understanding by mild Exposition, but tho' this be my Opinion, yet, if after a proper Trial of moderate and conciliating Measures the Evil of dissension should appear irremediable in this Course, and the Vestry should perversely proceed in obstructing him in the Discharge of the Duties of his Function, I also must think that recourse ought to be had to legal compulsory Methods for the Punishment of Outrage, and that the Authority and Rights of his Lordship ought to be vigorously supported; some Indulgence may be shewn to Error, but the Reins of Government are not to be surrendered into the Hands of any Vestry. For the present, I would recommend that the Writ de vi laica removenda may be kept back till there shall appear to be a Necessity for that vigorous proceeding. I have heard that the Disposition of the Vestry is very much owing to what the Parish Suffered during the Incumbency of that wretch

Whitaker, a Man not only unfit for the Station in which he was placed, but so infamously profligate that it would have been a discredit to any Person of Character to admit him to the Regard and notice of a common acquaintance, and it is no uncommon thing for Resentment to exceed the proper Bounds, for the Remembrance of a former Evil to raise a dread of its happening again, and for such Dread to beget excessive Jealousies and Suspicions, In this Case particularly therefore, I cou'd wish that the Heats the Vestry have fallen into, may rather be allayed by Lenity, than that their Irregularity may be severely censured. It must be in the Memory of some of the Parishioners that great Pains were taken to deprive Whitaker of his Parish. I was of Counsel against Whitaker when his case was agitated in the Provincial Court, where he was called upon to answer for a supposed Breach of the Peace, and an Information on this Account was moved for against him, he having broke and entered into the Church. His defence was that He was Incumbent in virtue of the Governor's appointment, without any Ceremony of admission, and that what he had done was to remove an Obstruction to the performance of his Duty. He founded his plea on the words of the Act of Assembly, and they being clear, and the Court having no doubt that the Appointment proprio Vigore conferred the Benefice, the Case was taken up against Whitaker upon another point more material, viz. that the Governor's Appointment could not operate when the Appointee was not in Priest's Orders, as it was urged that Whitaker had, at most, obtained only Deacon's Orders. The objection proceeding upon a Negative, it was alledged, that Whitaker ought to prove the Affirmative, which could only be done by producing the Letters of Orders, on the other side it was Answered, that the Governor having the Right of Appointment implied all preceding requisites, that however there was sufficient Proof in Whitaker's case of his Qualification, he having before been in another Benefice, and no Surmise of his not being in Priest's Orders, that it would be hard and inconvenient to call upon him to produce his Letters of Orders, which he might have left, and which he might well think it was unnecessary for him to be very careful of, after he had obtained his first Benefice and held it without objection for many years; The Justices were divided, but finally Whitaker was discharged by having the Voice of the Chief Justice on his side, which gave him the Majority. Every One, I believe, was at the time satisfied, I am sure the Counsel against Whitaker were satisfied, that the Determination of the Court was right in every other respect except on the last Point, in order to bring which to another Discussion the 30 per Poll was withheld from Whitaker

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Lib. C. B. and he was driven to bring Suit on the Sheriff's Bond, but at
 No. 20 length the Vestry gave the Matter up. I have been the fuller
 in relating the Circumstances of Whitaker's Case, because as
 there were some doubts at the time concerning the Propriety
 of the Court's Determination, perhaps they may be applied to
 other than the point on which they really arose.

I have understood that the Vestry Claim the Right of Patronage, contending that the Church was founded at the Expenditure of the Parishioners, and endowed in the same manner and that the Vestry as their Representatives are therefore the Patrons. It is true that it occurs in many of the Treatises on the Canon Law, and what will have more weight in Co: Litt: 119: 6. that the Right of Presentation was first gained by such as were Founders, Benefactors or Maintainers of the Church Viz. Ratione Foundationis, Donationis, sive Ratione Fundi, but how, on any of these Grounds, the Vestry can support their Pretension is not to be well conceived.

By the Charter of the Province the Patronages and Advowsons of all Churches were expressly granted to Lord Baltimore. This Grant, without doubt, did not authorize his Lordship to lay a Tax upon the People for the support of the Clergy, and the Claims once set up by M^r Henderson, that the Clergy were intitled to Tithes before the Act, that the Act was only to be considered as a Modus decimandi, that the Canon Laws in their full Extent, obtained here, and the Consequences He drew in Support of the Jurisdiction of the Bishop of London, and his Authority as his Commissary have been so effectually exposed, that there is little Danger to the Laity from such strange Notions. By our Act of Assembly a regular support of the Clergy has been provided by a Tax upon the People. They who laid the Tax, without Question, could apply it in what manner, and upon what Terms they thought fit, how therefore it shall be applied must depend upon the Will of those who laid it, and this Will is to be inferred from the words used to signify it, for as it is clear that a Tax could not be laid for the purpose without the People's Consent, so is it clear that it must be applied according to the directions of the Act, because an assertion, that the application may be different from the Legislative will, if at all considered, will be found to be reducible to the absurd Position, that the Tax might be laid without the Legislative Authority. Laying therefore aside what is impertinent to the Subject the Consideration of the Canon or ecclesiastical Law, it will appear, on a little calm Reflection, that they on whom the Tax is laid must pay it, and that they and only they to whom the Payment of it is directed will be intitled to receive it. The Patronages and advowsons of all Churches, as has been observed, were granted to Lord

Baltimore, but the Charter did not, nor could it confer a Power upon his Lordship to Tax the People without their Consent. On the other Hand it was not in the Power of the People either to deprive His Lordship of what the Charter had granted, or to regulate his Exercise of these Rights without his Consent. When the Government was immediately in the Hands of the Crown, his Lordship being then under a Disability, the Act passed with the Royal Concurrence, by which the Provision for the Clergy was made; for which Purpose the People were with their Consent Taxed and Terms of the Application of the Tax were settled. His Lordship by assenting to an Act for that purpose, might give up his Advowsons or Patronages, He might bind Himself by restrictions in the Exercise of these Rights and it can't be doubted but that the Act, which passed with the Concurrence of the Crown, when he was under the Disability of Nonconformity, is as binding as any other Act can be to which his Lordship's Assent has been given. The short Question then will be, whether he is to be considered as Incumbent. The fact is that he has been appointed by the Governor in the usual manner, the Act is so explicit and clear that the Recital of it is sufficient, I apprehend, to give Satisfaction: the Poll assessment shall be always paid and allowed to the Minister of each Parish having no other Benefice to officiate in presented inducted or appointed by his Excellency the Governor or Commander in Chief for the time being. Lib. C. B.
No. 20

When a regular Minister, having no other Benefice, is appointed by the Governor, the Consent or Admission of the Vestry is not called for, on the contrary, it is unnecessary, and is made so by the Act, the Benefice being conferred by the Appointment of the Governor, nor can it be supposed, that it could be the Intention of the Legislature to put it in the Power of a Vestry to hinder the Exercise of the Right of Patronage, when the Act directs under what Circumstances the Clergy shall be supported at the Expence of the People, an Expence brought upon them by their Representatives, on the Terms explained and regulated by the Act. I would fain hope, that, on mature Reflection, Matters will be accommodated, that Men of Sense will consider that the Rights of Government, not only from the Justice due to His Lordship, but for the Tranquillity and good order of the Community, ought to be vindicated. However, should a different Temper prevail, I must think it to be the Indispensable Duty of M^r Hughes to give notice of it, that the most vigorous Steps may be taken to bring to Censure the Usurpers of his Lordship's Rights, and the Disturbers of the Public Peace.

Dan^l Dulany.

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P. S. After the Debate in Whitaker's Case was over he shewed Letters of Orders as his Qualification, which appeared to be only Deacon's Orders, and on this Circumstance, and his Counsel declaring that on the Account of his defective Qualification they had hazarded the Matter on their Argument of Presumption, it was strongly recommended to have the Question again brought on upon the Suit of the Sheriff's Bond, but the affair was given up by the Adversaries. The Declaration of his Counsel was owing to his having produced his Letters of Orders when they advised him against it and the Contemptuous manner in which he treated them on the Occasion. I have Reason to know that the Man Loved Litigation, and it is not improbable that what he shewed was with the view of bringing on a Suit and that he might have the proper Qualification to produce when brought to the Necessity of doing it, and perhaps if not a Knowledge a Suspicion of this deterred his Antagonists.

Sir

We are favoured (as you say,) with a Copy of M^r Dulany's Opinion, relative to the dispute subsisting between Our Parish and you, which Opinion we have had before us and maturely considered, We shall, as we ever did, pay great Respect to M^r Dulany as a Gentleman, and One eminent in the Law, yet we presume, should his Opinion differ on this Occasion with other Gentlemen of the Law, and also from our own Sentiments we would hope it might not be esteemed Criminal in us, and should we attempt to pursue the legal Methods for a Candid and fair determination of a Matter of so much Importance to us, we cannot suppose, that, under a Colour of Supporting the Authority and Rights of his Lordship, the Supreme Magistrate would so much interfere by any Vigorous proceedings as should in any manner impede or give the least Colour of affecting the Current of Justice or divert the least Rivulet thereof. Such a Doctrine must sound harsh in the Ear of every Freeman, much more of those who esteem themselves loyal Subjects of the British King, and acknowledge his Sovereignty, and depend on him for their protection both Civil and Religious.

We can assure M^r Dulany, that we have no Intention, nor would we designedly do any Act of Outrage, or any thing that should tend to give Colour for any Suspicion thereof, or would we want the Reins of Government wrested out of the Hands of those, who by the Laws of the Land, are intrusted with them, but at the same time, we would not, by a Servile Submission, Alienate Our Rights and Liberties, and tamely give

up our Freedom to Monarchy, but only desire that an Equilibrium may ever be the Motto of every Englishman. M^r Dulany justly observes that the Resentment of Our Parish may be partly owing to what they suffered during the Incumbency of Whitaker, and we apprehend he and every Person who has had the least acquaintance with him, must think the Parish had just Cause, A Parish that Yields near fifty Thousand Pounds of Tobacco yearly, should be Twenty years imposed upon by such a Wretch as he was, one that was in some One of the Goals the greatest part of the time, and indeed when out was of no more Service. The People of the Parish, under this deplorable Situation, could not have a Sermon Preached to them unless on hearing a Minister by Subscription, nor could not get a Child Christened, without going into another Parish, and were in fact deprived of every other Church Priviledge. Those, who have not experienced the want of such Advantages, or such as are involved and captivated with the pleasures of time, and thereby Esteem such things as foolish, and Enthusiastical, perhaps may pass by Our Complaint with a Superficial Wink, or a sneer of Contempt, as a Matter in no sort worthy of their Consideration, But there are some, who have experienced the same fate with Ourselves, and others that hold those Advantages as Sacred, and of Utmost importance to their future existence. To such, we hope, the reflection of the want of those Advantages, and the Abuses done and offered to Our Churches, the Consideration thereof may have due Influence.

M^r Dulany continues his observation very justly, in saying, that the Remembrance of Our former Evil may raise a dread or Suspicion of its happening again. We join him in this Sentiment, on the Principle he takes it up, and it must be agreed that every prudent Person, whenever he has been once imposed on, it will necessarily remind him to avoid the like again, and such endeavours surely would be highly recommended by all well disposed Persons, and that it would be the indispensable duty of such a Person to take all proper Methods for the Prevention of the like Evil, but had M^r Dulany continued his Observation a little further, there indeed would appear stronger Reasons to Convince the World, that the Remembrance of our past Evil would have served no other purpose than an absolute Conviction of the consequence of the impending one, and what we would have had him further observe, was, that in the Province of Maryland there is the most generous and liberal Support provided for the Clergy than in any part of the Continent, and that, from sad experience, it is found that not more than one in Seven deserves any

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Lib. C. B. other Character than that he gives Whitaker, from which
 No. 20 Consideration, we think it may be granted, we ought not to be Condemned for expecting Our Case nothing better by the Change, and especially when yourself will reflect on the Method by which you came, and your Conduct since you have been among us, we hardly suppose, if you expected your Living depended on the Will of the Parishioners, that you would have manifested your desire for the Salvation of their Souls, in the ways you have taken by such wrestings and violence, even to the bearing of Swords and Pistols.

Now Sir, we shall give you some answer in respect of M^r Dulany's Opinion. He observes Whitaker's Case with our Parish. We grant that on a Presentment, made by a Jury, and on Motion made for to file an Information, Whitaker was discharged, yet we apprehend the Merits of Our Dispute were not, nor could not be determined on that Motion, and of Course can have no weight in the present dispute. He says, that he hath been informed that the Vestry claim the Right of Patronage, contending that the Church was founded at the expence of the Parishioners, and endowed in the same manner, and that the Vestry, as their Representatives, are therefore their Patrons. He agrees that it occurs in many treatises on the Common Law &c. but that he cannot conceive how the Vestry can Support their Pretensions, he then has relation to the Charter of the Province, thereby to Shew that all Patronages and Advowsons were granted to the Lord Baltimore, and so continues to shew the Right and Propriety of Induction, in the manner you contend, from the Words of the Act of Assembly of this Province; how far the Proprietor's Charter will abrogate and destroy the Constitution of the Church, as established on the Construction of his Grant, or what Dispensation has been obtained, so that the Canon Law, in One of the most essential Points, is become a Nullity, may be a dispute of another day. The Words of the Act of Assembly we have considered in their full View, and, expect we have considered the same in their utmost extent, Yet Pardon us if we tell you there
 p. 16 are many things essential and necessary to be obtained before the Act of Assembly can have the Construction you contend for. Could we hope that, in Case we were to give you Our Sentiments freely and fully upon this Subject and our several Authorities on which we found our Opinions, that it would answer any good purpose, we would not be Sparing of the trouble, nor are we doubtful of the force or Efficacy of the Cases on which we depend, But as we apprehend the Salary which Our Parish Yields has more influence than any matter that could be advanced by Us, and from your Expressions and

Conduct we have nothing more to expect from you than an Obstinate perseverance in your Claim, therefore we think it prudent not to descend into a particular discussion of Our Defence; but this we inform you, that it is the Ultimate result of much the largest part of the Parishioners, that we contend the Authenticity of your Claim, to which we, as their Representatives, as also part of the Number of the Parishioners, are determined to see the Event. What Information you may have given M^r Dulany, relative to our Conduct, that caused him to make use of the Words Usurpers of His Lordship's Rights, or Disturbers of the Public Peace we are at a loss to know. If there has been any Outrage, Usurpation, or Disturbance on this Occasion, we presume you are the Author, and not we, and our determination is to preserve good Order and Peace, until we are opposed in any Violent or unlawful manner, and in such instance we think it Our Duty, as Free Men, to oppose force by force, as we presume by the Laws of God, Nature and Man we shall stand justified.

Lib. C. B.
No. 20

We are Your very humble Serv^{ts}
The Vestry of Coventry Parish.

P. S. We shall esteem it a favour, if you will use the same Method and Industry in Promulging Our Sentiments to the People, as you did M^r Dulany's Opinion.

Upon Consideration of the Premisses, It is recommended to M^r Hughes, by the Board, that he lose no time in laying his Case before the Attorney General, by whom Directions will, of Course, be given to Support his Lordship's Rights and the Peace of the People; it may be proper, at the same time, to make out a List of the Principal Actors in the Violent Measures, taken in Opposition to the Tenor of the Governor's Induction, or appointment, and of the Persons who can prove the facts, on which M^r Hughes's Memorial depends, and it will also be proper for M^r Hughes to attend at the next Provincial Court, should the Attorney General think proper to move for Informations against the Violators of the Publick Peace, and if the Attorney General should also think it expedient, in order to save time, to have the Witnesses Summoned, and to give Titlings for that purpose, M^r Hughes should not delay in transmitting them to the Clerk of the Provincial Court. Should M^r Attorney think it proper to proceed in any other Method, than by Information, M^r Hughes to pursue his Directions.

It is the Humble Advice of this Board that His Excellency remove M^r William Allen from being in the Commission of the Peace for Worcester County.

Lib. C. B.
No. 20

Ordered that the Clerk of this Board make out a Copy of the above Proceedings, relative to M^r Hughes, to be transmitted to His Lordship the Right Honourable the Lord Proprietary, which being prepared was transmitted accordingly.

p. 17 At a Council held at the Governor's on Tuesday the 24th Day of May in the Eighteenth year of His Lordship's Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Honble {	Benjamin Tasker Esq ^r	John Ridout Esq ^r
	Benedict Calvert Esq ^r	Walter Dulany Esq ^r
	Daniel Dulany Esq ^r	

His Excellency is pleased to acquaint this Board, that he has received Instructions, from His Lordship the Right Honourable the Lord Proprietary, to appoint John Beale Bordley Esq^r a Member of his Lordship's Honourable Council, and of the Upper House of Assembly of this Province, who, being present, took the several Oaths to the Government, required by Law, as also the usual Oath of Councillor, repeated and Subscribed the Oath of Abjuration and Test, and then took his Seat at the Board accordingly.

Read the Transcript of the Conviction of Cudjoe Fitzgerald, Condemned, at the last Assizes held in Dorchester County, for breaking into the Store House of a certain Clement Bailly of said County, and Stealing from thence sundry Articles of Merchandize, the Goods and Chattels of the said Clement Bailly.

Ordered, by His Excellency the Governor, with the Advice of this Board that a Pardon issue to the said Cudjoe Fitzgerald, on Condition of his leaving the Province within ten days from the time of his Delivery out of Goal, and the Continent of America in two Months after, never to return again.

At a Council held at the Governor's on Friday the 27th Day of May in the Eighteenth year of His Lordship's Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Honourable Benedict Calvert John Ridout Walter Dulany & John Beale Bordley Esq^{rs}

His Excellency is pleased to lay before this Board the following Petition of Abraham Becraft of Frederick County. Lib. C. B.
No. 20

To His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

The Humble Petition of Abraham Becraft of Frederick County most humbly sheweth, That your Petitioner was at a County Court held for Frederick County in the Month of March last, Indicted, tried, and found Guilty of a Felony in Stealing some Hogs, the property of a certain Conrad Dutterer, That your Petitioner was so unhappy as to be found Guilty by the Jury, yet your Petitioner begs leave to assure your Excellency, that he was found Guilty of a Felony on very weak and doubtful Testimony, that he was wholly innocent of Theft, or the least Intention to Steal the Hogs of the said Conrad Dutterer. Your Petitioner begs leave further to State to Your Excellency the Fact which happened in the following manner Viz. That Your Petitioners Father, George Becraft having lost some Hogs for a Considerable time, and being informed by a certain Joseph Gorling that he had seen them in the Woods, went with your Petitioner into the Woods, and having found some Hogs, which your Petitioner, and his Father, then thought was the Property of your Petitioners Father, drove them into the Inclosures of the said George Becraft, That your Petitioner never claimed any of the said Hogs as his Property, nor in any manner whatsoever Acted otherwise than is above set forth, That the said Conrad Dutterer brought a Suit against Your Petitioners Father for the taking of the said Hogs, and was satisfied by him for the same, That your Petitioner humbly apprehends that any Act done by him, and proved to the Jury, could only amount to a Trespass. He also humbly apprehends that the Jury, from an Error in Judgment only, Mistook the Trespass af^d for Felony. Your Petitioner therefore prays your Excellency to grant him a Pardon. And your Petitioner as in Duty bound will ever pray &c.

March 18th 1768. Abraham Becraft.

We the Subscribers recommend the within named Abraham Becraft as a Person worthy of Your Excellency's Favour. p. 18

Signed by Sixty eight of his Neighbours.

On Consideration of the Premisses, It is Ordered by his Excellency the Governor, with the Advice of this Board, that a Pardon issue to the said Abraham Becraft, which issued accordingly.

Lib. C. B. In consequence of a Petition of a certain Edward Talbot of
No. 20 Calvert County being lodged with the Clerk of this Board,
together with Sundry other Papers relative thereto, Com-
plaining of the Conduct of Col^o William Ireland, Clerk of said
County, in the Execution of his Office. It is therefore Ordered
that there shall be a hearing on the said Petition on Tuesday
the Ninth day of June next, and that the Depositions of Wit-
nesses taken before any Magistrate, on behalf of either of the
Parties, in the presence of the other, will be admitted as good
Evidence at the Hearing. It is likewise Ordered that the
Clerk of this Board acquaint the Parties therewith.

At a Council held at the Governor's on Saturday the 28th
Day of May in the Eighteenth Year of His Lordship's Do-
minion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Hon^{ble} John Ridout Walter Dulany and John Beale
Bordley Esquires

His Excellency having represented to the Board, that Appli-
cation had been made to him by M^r James Calder for a Pardon
to any One of the Offenders concerned in breaking into the
said Calder's House, and abusing his Wife and a young Lady
with her, in a very shocking manner, on Condition of his
becoming an Evidence against the other, It is their Advice
that he not only issue his Proclamation, as prayed for, but that
he likewise send a Message to the General Assembly recom-
mending to them to provide a Fund for giving a publick Re-
ward to such as will detect and bring to Justice One or both of
the Villains. In Consequence whereof his Excellency was
pleased to send the following Message.

Gentlemen of the Lower House of Assembly 28th May 1768.

You will observe by the Advertisement herewith sent, what
a horrid Piece of Villainy hath been perpetrated in Baltimore
County. Application hath been made to me to grant my
Pardon to one of the offenders, in Case he shall discover the
other; but as I conceive the offer of a Reward would con-
tribute more powerfully to detect and bring to Justice the Vil-
lains concerned in this atrocious Offence, I recommend to
you to appropriate a Sum to that Purpose, that it may be
notified in my Proclamation. I might observe to you that it is
not long since an Instance of a Similar Nature happened in
the same County, which evinces the Necessity of pursuing

the most vigorous Measures to bring such Villains to condign Punishment. Lib. C. B.
No. 20

Hor^o Sharpe

Advertisement. Hunting Ridge 24th May 1768.

Whereas two Men broke into my House on Tuesday last, and, after Rumaging below, went up Stairs into a Chamber, where my Wife and a Young Lady were lying, whom they treated in a Shocking and most barbarous Manner: First whetting their Knives before them, seizing them by their Throats, with many Motions as if they would murder them, except they would give their Money; and kept them in that miserable Condition for four or five Hours, having wounded my Wife in the Hand, and the young Lady very terribly in the Shoulder. I hereby offer a Reward of Ten Pounds, to any Person, not concerned in the Crime, that will discover the Authors so as they may be brought to Justice; and to either of the two Persons who broke the House I will give the Sum of Ten Pounds, if he will Convict the other; provided I can obtain his Excellency's Pardon for him.

James Calder.

It is hoped every honest Person will discover any Person suspected, and send me Information as I am determined to spare no Cost nor Trouble to bring the Villains to Justice. They had also the Impudence to stay 'till almost Sun rise, tho both my Wife and the Young Lady saw some of the Servants belonging to the Family up, yet they were afraid to call to them, for Fear of Instant Death, which the Villains often threatened, if they made the least Noise. p. 19

In Consequence of the foregoing Message His Excellency received the following Address.

To His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the House of Delegates.

May it please Your Excellency.

We are impressed with a just Sense of the horrid Crime mentioned in your Excellency's Message of this Day, and think with your Excellency the Offer of a Reward for discovering the Perpetrators the most probable means by which they may be brought to that Punishment they so justly deserve; and have therefore resolved that the Sum of three hundred Dollars be applied as a Reward for the Apprehension of them or One hundred and fifty Dollars for either of them,

Lib. C. B. to be paid on Conviction, and desire Your Excellency will be
No. 20 pleased to offer the said Reward.

Rob^t Lloyd, Speaker.

Whereupon His Excellency was pleased to issue the following Proclamation.

Maryland ss. By His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland. A Proclamation.

Whereas it hath been represented to me that the Dwelling House of James Calder of Baltimore County was on Tuesday Night the of this Instant broken into by two Villains, who after rummaging below, went up stairs into a Chamber, where M^{rs} Calder and a young Lady were in Bed, whom they treated in a most shocking and Barbarous Manner, first whetting their Knives before them, then Seizing them by the Throats, with many Motions as if they would Murther them, unless they would give their Money, and kept them in that miserable Situation for four or five Hours, having wounded M^{rs} Calder in the Hand, and the Young Lady very terribly in the shoulder; for the better discovering and bringing to Justice the Perpetrators of this horrid Crime I hereby promise a Pardon to any one of the Persons concerned in committing the said Offence, on Condition that he discover his accomplice so that he be apprehended and convicted thereof. And as a further Encouragement I do hereby offer a Reward of three hundred Dollars for the Apprehension of the said Villains or One hundred and fifty Dollars for either of them, to be paid on his or their Conviction.

Given under my Hand and Seal at the City of Annapolis this 28th Day of May in the Eighteenth year of His Lordship's Dominion Anno Domini 1768

Signed by Order
Upton Scott Cl. Con.

At a Council held in the Council Chamber on Monday the 6th Day of June in the Eighteenth year of his Lordship's Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Honble, Samuel Chamberlaine, Benedict Calvert, Daniel Dulany, John Ridout Walter Dulany and John Beale Bordley Esq^{rs} Read the following Petition of Col^o William Ireland of Calvert County

To His Excellency Horatio Sharpe Esq^r Governor of Maryland, and the Honourable Members of his Lordship's Council. Lib. C. B.
No. 20

The humble Petition of William Ireland Clerk of Calvert County Sheweth. That he hath had a Complaint preferred against him, before Your Excellency and Honours for Male Conduct in his Office of Clerk of said County, by a certain Edward Talbot; and hath had Notice a few Days past that the same is to be heard on Thursday next, on Affidavits to be taken by each Party. But your Petitioner is apprehensive that he cannot Safely go into a Justification of his Conduct; without the Testimony of Mess^{rs} John Rogers, and James Key, two of the Attorneys of said County Court, which he can't get, (they being necessarily called off by their Attendance on other Courts) until the Week of Calvert County Court; Your Petitioner therefore prays Your Excellency and Honours to take the Premises into Consideration, and allow him further time to clear up his Conduct, the same being to him a matter of the utmost Importance. And your Petitioner will pray &c. p. 20

Ordered thereupon, that the Hearing upon the Petition of Edward Talbot against the said William Ireland, which was appointed to have been on Thursday next be postponed until Monday the 27th of this Instant June, And that the Clerk give Notice thereof to the Parties.

At a Council held at the Governor's on Tuesday the 7th Day of June in the Eighteenth Year of His Lordship's Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable	{	Benjamin Tasker Esq ^r	Daniel Dulany Esq ^r
		Charles Hammond Esq ^r	John Ridout Esq ^r
		Samuel Chamberlaine Esq ^r	Walter Dulany Esq ^r
		Benedict Calvert Esq ^r	John B. Bordley Esq ^r

His Excellency was pleased to lay before this Board the following Letter from General Gage, and Extract from a Letter from the Lords of Trade to the Earl of Shelburne, which were ordered to be Entered.

New York 27th April 1768.

Sir

Having received a Letter from the Secretary of State, acquainting me that His Majesty's Orders have been Signified to S^r William Johnson, to complete the boundary Line between the Several Provinces and the Indians, I take the earliest Opportunity of making known to you his Majesty's Intentions in

Lib. C. B. this respect, and am at the same time to advise you, that S^r
 No. 20 William is directed to run the Line Conformable to a Report
 of the Lords Commissioners for Trade and Plantations on
 that Subject, (an Extract from which is herewith trans-
 mitted to You.) As I expect S^r William Johnson will soon
 Settle with me the General Plan of Execution, any hints that
 you may be pleased to furnish, or any Representation that you
 may think proper to make, of any thing that may in the Ad-
 justment of these matters, particularly effect the Province
 under your Command, will be duly attended to.

I have the Honour to be with great Regard, Sir
 To Your most Obedient Humble Servant
 The Hon^{ble} Lieu^t Gov^r Sharpe. Tho^s Gage

Extract from a Report of the Lords of Trade to the Earl
 of Shelburne.

Whitehall December 23^d 1767

In this Line, as described by the Indians, begins at Owegy,
 upon the Eastern Branch of the Susquehanah, from whence,
 pursuing the Course of that Branch to Shamokin, it runs up
 the Western Branch to the Head thereof, and from thence to
 Kittaning on the Ohio, and so down that river to its Conflu-
 ence with the Cherokee River. In tracing the Course of this
 Line upon the Map your Lordship will observe that, tho' it
 does preclude from Settlement, a Considerable and Valuable
 part of the Province of Pensilvania in the forks of the Sus-
 quehannah, yet it does on the Contrary leave room to the In-
 habitants of that Province, Situated to the South of that
 River, and also to the Inhabitants of Virginia to extend their
 Settlements further to the Westward, than they have hitherto
 been able to do with any Degree of Safety; and therefore,
 when we reflect that the Establishment of this Line, will in all
 Probability have the Effect to prevent the fatal Consequences
 of an Indian War, that seems at present to threaten the Middle
 Colonies, by giving Satisfaction to the Indians, in a point the
 most Essential to their Interests, without Confining the Settle-
 ments of His Majesty's Subjects to too narrow Limits; We
 Submit to your Lordship, whether it may not be advisable that
 p. 21 Orders should be immediately sent to S^r William Johnson for
 the final Settlement of this Boundary Line, in a Congress to
 be held with the Indians for that purpose, and that he should
 be enabled to make such Gratification to the said Indians, as
 the nature and Extent of the Concessions on their part shall
 Appear to require.

It would have been going beyond the bounds of the Subject
 which occasions our troubling your Lordship with this Letter,

to have entered into a minute Detail of what has been agreed upon with the Southern Indians, concerning a Boundary Line, But as the Line settled with the Cherokees falls in with a part of the Conohway River, Communicating with the Ohio, it does seem to Us, that it would be unadvisable that the Line, now proposed to be settled with the Six Nations and their Allies, should be extended Lower down the Ohio than the Mouth of the said Conohway River, as the carrying it further might afford a pretence for Settlements in a Country which, however claimed by the Six Nations as part of their Ancient Dominion, is in fact actually Occupied by the Cherokees as their Hunting Ground; and who would Consequently consider such Settlements as a direct violation of what has been agreed upon by them.

Lib. C. B.
No. 20

We are &c.

Clare
Soame Jenyns
Ed: Eliot
W^m Fitzherbert
Tho^s Robinson

At a Council held at the Council Chamber on Wednesday the 22^d day of June in the Eighteenth year of His Lordships Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Hon^{ble} Benedict Calvert John Ridout, Walter Dulany and John B. Bordley Esq^{rs}

His Excellency was pleased to lay before this Board the following Letter from the Earl of Hillsborough, together with a Copy of a Circular Letter from the Assembly of the Massachusetts Bay to the Speakers of the several Assemblies on the Continent of America.

Whitehall April 21st 1768

Sir

I have His Majesty's Commands to transmit to you the Inclosed Copy of a Letter from the Speaker of the House of Representatives of the Colony of Massachusetts Bay, addressed by Order of that House to the Speaker of the Assembly of each Colony upon the Continent of North America.

As His Majesty considers this Measure to be of a dangerous and factious Tendency, calculated to inflame the Minds of his good Subjects in the Colonies, to promote an unwarrantable Combination, and to excite and encourage an open

Lib. C. B. Opposition to and Denial of the authority of Parliament, and
 No. 20 to Subvert the true Principles of the Constitution; it is His Majesty's Pleasure that you should immediately upon the Receipt hereof exert your utmost influence to defeat this flagitious Attempt to disturb the Public Peace, by prevailing on the Assembly of your Province to take no Notice of it, which will be treating it with the Contempt it deserves. The repeated Proofs which have been given by the Assembly of Maryland, of their Reverence and Respect for the Laws, and of their faithful Attachment to the Constitution, leave little Room in his Majesty's Breast to doubt of their shewing a proper Resentment of this unjustifiable Attempt to revive those Distractions, which have operated so fatally to the Prejudice of this Kingdom and the Colonies, and accordingly his Majesty has the fullest Confidence in their Affections; but if notwithstanding these Expectations, and your most earnest Endeavours, there should appear in the Assembly of your Province a Disposition to receive or give any Countenance to this Seditious Paper, it will be your Duty to prevent any proceeding upon it by an immediate Prorogation or Dissolution. I am Sir with great Truth and Regard, Your most Obedient
 humble Servant
 Hillsborough.

p. 22 Copy. Province of Massachusetts Bay Feb^y 11th 1768.
 Sir.

The House of Representatives of this Province have taken into their serious Consideration the great Difficulties that must accrue to themselves and their Constituents by the Operation of the several Acts of Parliament imposing Duties and Taxes on the American Colonies.

As it is a Subject in which every Colony is deeply interested, they have no reason to doubt but your Assembly is duly impressed with its Importance, and that such constitutional Measures will be taken by them as are proper. It seems to be necessary that all possible care should be taken that the Representations of the several Assemblies, upon, so delicate a Point, should harmonize with each other. The House therefore hope that this Letter will be candidly considered in no other light than as expressing a Disposition freely to communicate their Mind to a Sister Colony, upon a common Concern, in the same Manner as they would be glad to receive the Sentiments of your or any other House of Assembly on the Continent. This House have humbly represented to the Ministry their own Sentiments; That His Majesty's High Court of Parliament is the supreme Legislative Power over the whole Empire; That

in all free States the Constitution is fixed, And as the Supreme Legislature derives its Power and Authority from the Constitution, it cannot overleap the bounds of it without destroying its own Foundation; That the Constitution ascertains and Limits both Sovereignty and Allegiance, and therefore His Majesty's American Subjects, who acknowledge themselves bound by the Ties of Allegiance, have an equitable Claim to full Enjoyment of the fundamental Rules of the British Constitution, That it is an essential unalterable Right in Nature, ingrafted into the British Constitution, as a fundamental Law, and ever held Sacred and irrevocable by the Subjects within the Realm, that what a Man has honestly acquired is absolutely his own, which he may freely give but cannot be taken from him without his Consent; That the American Subjects may, therefore, exclusive of any Consideration of Charter-Rights, with a decent Firmness adapted to the Character of Freemen, and Subjects, assert this natural Constitutional Right. It is moreover their humble Opinion, which they express with the greatest Deference to the Wisdom of Parliament, that the Acts made there, imposing Duties on the People of this Province, with the sole and express purpose of raising a Revenue, are Infringements of their natural Constitutional Rights, because, as they are not represented in the British Parliament, His Majesty's Commons in Britain by those Acts grant their Property without their Consent. This House further are of Opinion, that their Constituents, considering their local Circumstances, cannot by any Possibility be represented in the Parliament, and that it will forever be impracticable that they should equally be represented there, and consequently not at all, being separated by an Ocean of 1000 Leagues, and that His Majesty's Royal Predecessors for this Reason were graciously pleased to form a Subordinate Legislature here, that their Subjects might enjoy the unalienable Right of a Representation, and that, considering the utter Impracticability of their being fully and equally represented in Parliament, and the great expence that must unavoidably attend even a partial Representation there, This House thinks, that a Taxation of their Constituents even without their Consent, grievous as it is, would be preferable to any Representation that could be admitted for them there.

Lib. C. B.
No. 20

Upon these Principles, and also considering that were the Right in the Parliament ever so clear, yet for obvious Reasons it would be beyond the Rules of Equity, that their Constituents should be taxed on the Manufactures of Great Britain here, in Addition to the Duties they pay for them in England, and other Advantages arising to Great Britain from the Acts of Trade; This House have preferred an humble Dutiful and

- Lib. C. B. loyal Petition to Our most Gracious Sovereign, and made such
 No. 20 Representations to his Majesty's Ministers, as they apprehend
 would tend to obtain Redress. They have also Submitted it
 to Consideration whether any People can be said to enjoy any
 Degree of Freedom, if the Crown, in Addition to its undoubted
 p. 23 Authority of Constituting a Governor, should also appoint
 him such a Stipend as it shall judge proper, without the Con-
 sent of the People, and at their Expence; And whether while
 the Judges of the Land and other Civil Officers in the Prov-
 ince hold not their Commission during good Behaviour, their
 having Salaries appointed by the Crown independent of the
 People, hath not a Tendency to Subvert the Principles of
 Equity, and endanger the Happiness and security of the
 Subject.

In Addition to these Measures, the House have wrote a
 Letter to their Agent M^r Deberdt, the Sentiment of which he
 is directed to lay before the Ministry, wherein they take Notice
 of the Hardships of the Act for preventing Mutiny and De-
 sertion, which require the Governor and Council to provide
 Enumerated Articles for the King's Marching Troops, and the
 People to pay the Expence, and also the Commission of the
 Gentlemen appointed Commissioners of the Customs to reside
 in America, which Authorizes them to make as many Appoint-
 ments as they think fit, and to pay the Appointees what Sums
 they please, for whose Mal-Conduct they are not accountable,
 from whence it may happen that Officers of the Crown may be
 multiplied to such a Degree as to become dangerous to the
 Liberties of the People, by Virtue of a Commission which doth
 not appear to this House to derive any such advantages to
 Trade as many have been led to expect.

These are the Sentiments and Proceedings of this House,
 and as they have too much reason to believe that the Enemies
 of the Colonies have represented them to His Majesty's Min-
 isters, and the Parliament, as factious, disloyal and having a
 Disposition to make themselves Independent of the Mother-
 Country, They have taken Occasion in the most Humble
 Terms to assure His Majesty and his Ministers, that, with
 regard to the People of this Province, and as they doubt not
 of all the Colonies, the Charge is unjust.

The House is fully satisfied that Your Assembly is too
 generous and enlarged in Sentiment to believe that this Letter
 proceeds from an Ambition of taking the Lead or dictating to
 other Assemblies. They freely submit their Opinion to the
 Judgment of others, and shall take it kind in your House to
 point out to them anything further which may be thought
 necessary.

This House cannot conclude without expressing their firm Confidence in the King, Our Common Head and Father, that the united and dutiful Supplications of his distressed American Subjects will meet with his Royal and favourable Acceptance.

Lib. C. B.
No. 20

Signed by the Speaker.

A true Copy.

Att. Samuel Adams Clk.

His Excellency informs this Board that in Consequence of the foregoing Letters he sent the following Message to the Lower House of Assembly.

Gentlemen of the Lower House of Assembly

The King, our most gracious Sovereign, having been informed, that a Circular Letter, a Copy of which hath been communicated to His Ministers, was in February last sent by the Speaker of the House of Representatives of the Colony of Massachusetts Bay to the Speakers of other Houses of Assembly in North America, hath been pleased to order it to be signified to me that he considers such Measures to be of a most dangerous and factious Tendency, calculated to inflame the Minds of his good Subjects in the Colonies, to promote an unwarrantable Combination, to excite and encourage an open opposition to, and Denial of the Authority of Parliament, and to Subvert the true Principles of the Constitution; but, while I notify to you his Majesty's Sentiments, with respect to this Matter, I am also to tell you, that the repeated proofs which have been given by the Assembly of this Province, of their Reverence and respect for the Laws, and of their faithful Attachment to the Constitution, leave little Room for his Majesty to doubt of their Shewing a proper Resentment of such unjustifiable attempts to revive those Distractions which have operated so fatally to the Prejudice of both the Colonies and the Mother Country, And I flatter myself that in case such Letter has been addressed to the Speaker of your House, you will confirm the favourable Opinion his Majesty at present entertains of his Maryland Subjects, by taking no Notice of such Letter, which will be treating it with the Contempt it deserves.

p. 24

June the 20th 1768. Hor^o Sharpe

His Excellency acquaints this Board that in Answer to the above Message he received the following Address, and requests their Advice thereon.

Lib. C. B. To His Excellency Horatio Sharpe Esq^r Governor and Com-
No. 20 mander in Chief in and over the Province of Maryland.

The Humble Address of the House of Delegates.

May it please your Excellency.

In Answer to your Excellency's Message of the 20th we must observe, that if the Letter from the Speaker of the House of Representatives of the Colony of Massachusetts Bay addressed to and Communicated by our Speaker to this House, be the same with the Letter, a Copy of which you are pleased to intimate, hath been communicated to the King's Ministers, it is very alarming to find that, at a time when the People of America think themselves aggrieved by the late Acts of Parliament, imposing Taxes on them for the Sole and express Purpose of raising a Revenue, and in the most Dutiful Manner are seeking Redress from the Throne, any endeavours to unite in laying before their Sovereign what is apprehended to be their just Complaint, should be look'd upon as a Measure of most dangerous and factious Tendency, calculated to inflame the Minds of His Majesty's good Subjects in the Colonies, to promote an unwarrantable Combination, excite and encourage an open Opposition and Denial of the Authority of Parliament, and to Subvert the true Principles of the Constitution. We cannot but view this as an Attempt in some of his Majesty's Ministers to Suppress all Communication of Sentiments between the Colonies, and to prevent the united Supplication of America from reaching the Royal Ear. We hope the Conduct of this House will ever evince their Reverence and respect for the Laws, and faithful Attachment to the Constitution; but we cannot be brought to resent an Exertion of the most undoubted constitutional Right of Petitioning the Throne, or any endeavours to procure and preserve an Union of the Colonies, as an unjustifiable attempt to revive those Distractions, which it is said have operated so fatally to the Prejudice of both the Colonies and the Mother Country. We have the Warmest and most affectionate Attachment to Our most Gracious Sovereign, and shall ever pay the readiest and most respectful Regard to the just and constitutional Power of the British Parliament; But we shall not be intimidated, by a few sounding Expressions, from doing what we think is Right.

The House of Representatives of the Colony of Massachusetts Bay, in their Letters to us, have intimated that they have preferred an humble dutiful and loyal Petition to the King, and expressed their Confidence that the United and Dutiful Supplications of his distressed American Subjects, will meet with his Royal and favourable Acceptance; and we think they have asserted their Rights with a decent Respect to their Sovereign, and a due Submission to the Authority of Parliament.

What we shall do upon this Occasion, or whether in Consequence of that Letter we shall do anything, it is not Our present Business to Communicate to your Excellency; but of this, be pleased to be assured, that we cannot be prevailed on to take no Notice of, or to treat with the least Degree of Contempt, a Letter so expressive of Duty and Loyalty to the Sovereign, and so replete with just Principles of Liberty; and your Excellency may depend, that whenever we apprehend the Rights of the People to be affected, we shall not fail boldly to assert, and steadily endeavour to maintain and Support them, always remembering, what we could wish never to be forgot, that by the Bill of Rights it is declared, That it is the Right of the Subject to Petition the King, and all Commitments and Prosecutions, for such Petitioning are illegal.

Lib. C. B.
No. 20

Signed by Order. Rob^t Lloyd, Speaker.

On Consideration of the foregoing Address, This Board are unanimously of Opinion and advise his Excellency to Pro-
rogue the Assembly immediately, and in Case it shall at any time thereafter appear to him that the Lower House of Assembly hath proceeded contrary to the Spirit of the Earl of Hillsborough's Letter, that he then issue Proclamations to Dissolve them.

p. 25

At a Council held at the Council Chamber on Monday the 27th Day of June in the Eighteenth year of His Lordship's Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Honble Benedict Calvert, Daniel Dulany, John Ridout and Walter Dulany Esq^{rs}

This Day being appointed for the hearing of the Complaint of Edward Talbot against William Ireland, Edward Talbot appeared in his proper Person, and William Ireland by Council, when several Depositions and Matters relative thereto were Read, and the Testimony of Aaron Williams was heard he having been first duly sworn, but in as much as Ellis Slater the Deputy Clerk did not attend according to Order, and it being alledged that Sundry Depositions offered by Col^o Ireland were not taken in the presence of Edward Talbot the Complainant, It is Ordered that the Consideration of the Complaint be referred, in Order that the Complainant may Examine on his part the Persons whose Depositions have been taken on the behalf of Col^o Ireland, at the taking whereof the Complainant was not present, and also of Examining Ellis Slater the Deputy Clerk, on Interrogatories in Writing, and it is further

Lib. C. B. Ordered, that the Court's Docket, for August Court last in
No. 20 Calvert County, be lodged with the Clerk of this Board, Notice
to be given by the Complainant to Col^o Ireland of the time and
place of taking the above Depositions, which after taking are
to be lodged as above.

24th August 1768.

To his Excellency Horatio Sharpe Esq^r Governor of Mary-
land

The Petition of the Subscribers humbly Sheweth.

That your Petitioners being near Neighbours to Ezekiel
Gott, and knowing his Negro Lad Lem for some years past;
(who now lies under Sentence of Death for a Burglary in the
House of a certain Boardley Bowers,) which your Petition-
ers presume he Committed through overpersuasion, youth, and
unexperience, he being not quite eighteen years of Age, and
your Petitioners never knew nor heard of his being guilty of
or accessory to any Crime until this.

That your Petitioners also knowing that the said Ezekiel
Gott, cannot directly purchase a Slave that would be so ser-
viceable to him as the said Negro, and that notwithstanding
the High Value the Court has been pleased to put him at, your
Petitioners do apprehend that the said Ezekiel Gott would be
a great sufferer at this Time, if his Negro must suffer Death.

That your Petitioners, as Neighbours to the said Ezekiel
Gott, will be under no Apprehensions of Suffering in their
Properties if the said Negro Lad should, through your Excel-
lency's Mercy, be returned to his said Master. Your Petition-
ers therefore humbly beseech Your Excellency will be pleased
to look on the said Negro as an Object of Mercy, and if from
this Representation or any other your Excellency may Collect,
that you'll be pleased for the above Reasons to take this Peti-
tion into Consideration, and grant the said Negro a Pardon, if
it should to Your Excellency's great Judgment appear fit.

And your Petitioners as in Duty bound will ever pray &c.

Ezekiel Gott	Edw ^d Cole	p. 26 John Thomas
Benj ^a Harrison	Rich ^d Green	Edward M ^c Daniel
Stephen Steward	Jacob Macceny	Philip Pindell
Henry Child	Ralph Forster	Richard Richardson
Sam ^l Child	Rich ^d Simmonds	Isaac Hall
Joseph Hutton	Will ^m Simmonds	John Cole
William Drury	Isaac Simmonds	Jacob Franklin Sen ^r
Richard Wells	Benj ^a Carr	Joseph Allen
Rob ^t Brown	John Battee	Jacob Franklin Jun ^r
		Joseph Hill
		Rob ^t Norris

Whereupon His Excellency the Governor was pleased to Order that a Pardon should issue to the above mentioned Negro Lem, which was issued accordingly.

Lib. C. B.
No. 20
p. 26

At a Council held at the Governor's on Wednesday the 31st Day of August in the Eighteenth year of his Lordship's Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Hon^{ble} Charles Hammond, John Ridout, and Walter Dulany Esq^{rs}

Read the Transcript of the Conviction of Negro Daniel, a Slave of a certain James Adams of Dorchester County, Condemned at the last County Court held in and for the said County, for a certain Burglary by him Committed. Ordered that a Death Warrant issue for the Execution of the said Negro Daniel on Friday the Ninth day of September next, which issued accordingly.

Read also the Transcript of the Conviction of Negro Sam, Slave of George Steuart Esq^r of the City of Annapolis, Condemned at the last Ann Arundel County Court for a certain Felony by him Committed.

Ordered that a Death Warrant issue for the Execution of the said Negro Sam, on Wednesday the 7th Day of September next, which issued accordingly.

Read likewise the following Representation of the Justices appointed to hold an Especial Court in Frederick County.

Frederick County 22^d August 1768. In pursuance of a Special Commission, bearing date the 12th Instant, to us directed by His Excellency Horatio Sharpe Esq^r Lieutenant General and Chief Governor of the Province of Maryland. We do Certify, that after being duly Qualified agreeable to the Directions of the aforesaid Commission, We appointed Saturday the 20th Instant to hold Our Court, and that according to said appointment we held the said Court, at which James Johnson and Dennis Igoe, Convict Servants, the Property of John Hobbs of this County, and Joseph Framton, a Convict Servant the Property of Elizabeth Hobbs Widow of said County, were found Guilty of Burglary and Sentence of Death passed accordingly. And that the said Burglary was so fully and clearly proved that we cannot recommend them to his Excellency's Clemency.

Witness Our hands and Seals

Tho^s Prather [Seal]

Joseph Smith [Seal]

Charles Jones [Seal]

Lib. C. B. It is the Humble Advice of this Board that his Excellency
No. 20 issue Warrants for the Execution of the said Convicts as soon
as the Transcript of their Conviction comes to hand, unless
there should appear some Error in the Proceedings

Ordered that the Clerk of this Board receive from the
Several Sheriffs the Provincial Amerciaments collected this
year, that he sell the Tobacco to the best Advantage, and keep
a Distinct Account of what he receives, ready to be laid before
this Board when called for.

1st September 1768

Ordered by his Excellency the Governor that Death War-
rants issue for the Execution of James Johnson, Dennis Igoe,
and Joseph Framton, on Friday the Ninth Instant, which were
issued accordingly.

p. 27 Ordered by His Excellency the Governor that a Copy of the
following Letter be transmitted to the several Sheriffs within
this Province which were transmitted accordingly.

Sir.

The Right honourable the Earl of Hillsborough, One of His
Majesty's Principal Secretaries of State, having transmitted
me an Account of a most barbarous Murder Committed last
March in Cornwall in Great Britain, on the Body of a certain
William Odgers, by One Melchisedeck Kinsman of the said
County, who immediately thereupon Embarked on Board
some Vessel bound from Falmouth to North America, having
with him about Eight hundred Pounds Sterling, and his said
Lordship having in pursuance of his Majesty's Commands,
required me to take such Measures as may be most effectual
in order to discover whether the said Murderer is come into
this Province, and in Case of his being discovered to have him
secured so that he might be brought to Justice, I earnestly
recommend it to you, by Yourself, your several Deputies, and
such other Persons as you may think proper to employ for that
purpose to make Strict enquiry throughout your County after
the said Melchisedeck Kinsman, and in Case of his being dis-
covered to have him apprehended and immediately give me
Notice thereof. He is described to be a well set Man, about
five feet Eight Inches high, and about thirty years of Age, of
a Florid Complexion, his Hair light brown, but he wears a
Wig.

I am Sir. Your humble Servant

Annapolis 20th September 1768.

Hor^o Sharpe

21st September 1768

Ordered, by His Excellency the Governor, that the present
General Assembly of this Province which stands Prorogued

to Tuesday the 4th Day of October next be further Prorogued until Tuesday the 21st Day of March next and Proclamations issued accordingly. Lib. C. B.
No. 20

At a Council held at the Governor's on Monday the 10th Day of October in the Eighteenth year of His Lordship's Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honble { Col^o Charles Hammond John Ridout Esq^r
Richard Lee Esq^r Walter Dulany Esq^r
Benedict Calvert Esq^r John Beale Bordley Esq^r
Daniel Dulany Esq^r

Read the following Letter from John Hepburn and Daniel of Saint Tho^s Jenifer Esq^{rs} his Lordship's Justices for the Western Circuit.

To His Excellency Horatio Sharpe Esq^r Governor of Maryland.

May it please your Excellency.

At an Assize Court held at Baltimore Town for Baltimore County, this present Circuit, a certain Patrick Constantine was found Guilty of the Murder of his Son, a youth of about Eight years old, there was no Positive but strong Circumstantial Evidence.

Also Edward Power and Thomas Robinson were found Guilty of Burglary, the Principal Evidence against each of them was their own Confession, and shewing the Stolen Goods after being Whipt, Sentence of Death was passed against each of them agreeable to Law.

We are, Your Excellency's most Obedient Servants

John Hepburn

Sept^r 15th 1768

Dan^l of S^t Tho^s Jenifer.

Read the Transcript of the Conviction of Patrick Constantine, Condemned at the last Baltimore County Assizes, for the Murder of his Son, and also the following Petition, Signed by upwards of seventy of the said Constantine's Neighbours, recommending him to his Excellency's Mercy.

To His Excellency Horatio Sharpe Esq^r Governor of Maryland.

The Humble Petition of the Subscribers Inhabitants of Baltimore County.

Humbly Sheweth. That a certain Patrick Constantine Your Petitioners' late Neighbour, who has been always hith-

Lib. C. B. erto guiltless of any harsh or cruel Misdemeanour, lies now
 No. 20 under Sentence of Death for the Murder of his own child.
 Your Petitioners humbly beg leave to Observe to Your Excellency, that the said Constantine, at that unguarded Hour, must have been out of his Senses, to which Cause the dreadful Crime for which he now lies under Condemnation, must, in the opinion of Your Petitioners, be wholly ascribed, for Your Petitioners humbly conceive, that no Father, in the proper Use of his reason, would be guilty of the Death of his own Child. Your Petitioners further most humbly beg leave to Observe to Your Excellency, that most of us have known the said Constantine from a Child, and all of us for several years, and can assure Your Excellency that we verily believe and always understood said Constantine to be a loving Husband, and tender Father, especially to the unfortunate Deceased, who, of many Children, seemed to us to be his Favourite, he was likewise always Counted a Good Neighbour. Your Petitioners in the most humble manner implore Your Excellency's wonted Goodness and Clemency in behalf of the miserable Criminal, his poor afflicted Wife, helpless Children, and numerous Relations, upon whom his Ignominious Death would entail indelible Scandal, and Disgrace to their latest Posterity. Your Petitioners therefore most humbly beg that Your Excellency would be graciously pleased to grant the said Constantine a Reprieve.

And your Petitioners as in Duty bound will ever pray &c.
 Whereupon Consideration of the Premises being had, It is the humble Advice of this Board that a Pardon issue in Behalf of the said Patrick Constantine, which was issued accordingly.

Read the Transcript of the Conviction of Thomas Robinson, Condemned at the last Court of Assize held in Baltimore County, for a certain Burglary by him Committed, and also the Petition of Alexander M^cMechan, Master of the aforesaid Thomas Robinson, recommending him to his Excellency as an Object of Mercy.

To His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

The Petition of Alexander M^cMechan of the Town and County of Baltimore. Humbly Sheweth.

That Your Excellency's Petitioner was the Master of a certain Thomas Robinson, a youth not exceeding Sixteen Years of Age, and who came into this Country in the year One Thousand Seven hundred and Sixty five. That the said Thomas Robinson behaved, during the space of One year and

an half's Servitude, with utmost and most punctual Honesty, to the great Satisfaction of Your Petitioner and his Family. That the said Lad is naturally very Simple, not having that reflection necessary to draw Consequences, whereby he was unfortunately worked upon by the Persuasions of Villainous People, so that he Climbed down Your Petitioner's Chimney and Stole out of the Drawer One Dollar, of which Crime the Grand Jury became acquainted, and he was thereupon Tried Convicted and Sentenced to be Hanged at Our last Assize Court. That your Petitioner Conceives it was easy for him to perfect the aforesaid Crime, as he was a Chimney Sweeper, and had Orders from your Petitioner to perform that Service as often as should think necessary.

That the Simplicity of the said Thomas may clearly appear from his Tryal, for when on Trial, when he was to have made his Defence, and no Witness Sufficient against him he, out of his great Simplicity, Confessed the Fact without any Hesitation.

Your Petitioner therefore humbly prays Your Excellency will be pleased to take the Simplicity of the said Boy, his tender Age, and the Effect of Evil Persuasions to an unthinking Youth, into your Wise Consideration, and out of your great Clemency alter the Sentence of Death, under which he now lies, to Banishment or any other that Your Excellency in your great Wisdom shall seem meet.

And your Petitioner will pray &c:
Alex^r M^cMechan

On Consideration of the foregoing Petition, His Excellency, with the Advice of this Board, was pleased to Order that a Pardon issue for the said Thomas Robinson, on Condition of his leaving the Province within ten days from the time of his delivery out of Goal, and never to return again, which Issued accordingly.

Read the Transcript of the Conviction of Edward Power, late of Baltimore County, Condemned at the last Court of Assize held in the said County, for a certain Burglary by him Committed.

Ordered by his Excellency the Governor, with the Advice of this Board, that a Pardon Issue for the said Edward Power, on Condition of his leaving the Province within ten days from the time of his delivery out of Goal, and never to return again, which Issued accordingly.

On resuming the Consideration of the Complaint of Edward Talbot against William Ireland, It was Ordered that a Hearing upon this Affair and final Determination be had, by

Lib. C. B. this Honourable Board, on Wednesday the 26th of this Instant,
No. 23 and that the Clerk acquaint the Parties thereof that they may attend if they please, or produce before that time what further Evidence they may think necessary.

His Excellency having been pleased to lay before this Board a paper Signed B: A, Published in the Pennsylvania Chronicle N^o 87 in which are the following Words Viz. Yet this is the Man, who, in the Possession of an honourable and lucrative Office of £1500 a year, insults his Noble and generous Benefactor by his words, defies him by his Actions, and wrests the Government of the Province out of his Hands by the fury of a Mob. But if Vestries assume to themselves illegal Powers, and Arbitrary Privileges, it is the duty of Lord Baltimore's great Officers of State to see that the Laws be duly executed, and his Prerogative kept inviolate; and the Security of his Prerogative will be the Security of my Property. And likewise Communicated the following Letters to and from the Reverend M^r Bennett Allen.

Sir 26th September 1768.

I shall desire the Members of the Council, who live at a distance, to meet here the 10th of next Month, and shall think it incumbent on Me when they are here, to take Notice of the Piece lately Published in the Pennsylvania Chronicle, and republished in the last Maryland Gazette, in which M^r Walter Dulany, as I apprehend, or some Person that enjoys an Honourable and lucrative Office in this Government, is positively accused of raising the Mob in Frederick Town, at the time you went thither to take Possession of All Saints Parish. If you can undertake to prove that Fact, and what else is asserted or Suggested in that Piece relative to the Conduct of the Person accused, it would, I think, be well for you to do so on that Occasion, that his Behaviour might be properly certified to the Lord Proprietary.

To the Reverend M^r Bennett Allen. I am &c
Hor. Sharpe

Sir

After having taken the best Advice upon the Subject of Your Excellency's Letter, I find I lie under no obligation to appear before the Council to make good any charges contained in the Piece alluded to by Your Excellency, and that my obeying a Summons of that kind (tho' I were able to prove them to the Satisfaction of the world,) would be of a dangerous Tendency. I am likewise advised that it is apprehended, that no Court in this Province can take cognizance of a paper printed

in another, and republished here, without the request, as far as I know of the Author, and I think myself in particular not at all liable for the Consequences, the Piece being anonymous. Lib. C. B.
No. 20

I am with great Respect Sir
Your Excellency's most obliged and Obedient
humble Servant.

5th October 1768.

Bennet Allen.

His Excellency having desired the Advice of this Board thereon, and what further steps would be advisable for him to take, It is the Unanimous Opinion of this Board, that for anything that appears to the Board, there is no foundation for the Indecent Insinuations in the said Publication contained, and that his Excellency cannot with Propriety take Notice at present of a Matter so irregularly suggested, further than as he has already been pleased to intimate to the supposed Author the Propriety of his explaining or Supporting his Allegations above referred to, the said Supposed Author nor any other Person having thought fit to undertake the same.

His Excellency was also pleased to lay before this Board the following Letter which he had received from the Honourable Walter Dulany Esq^r desiring their Advice thereon.

Sir

I must beg leave to Submit to Your Excellency's Consideration a Paper which has been lately Published in the Pennsylvania Chronicle, signed B: A. which from the Contents and all Circumstances, I take to mean Bennet Allen, his Lordship's Agent. It is fill'd with many virulent Charges against W. D. by which Characters I understand myself to be meant. Some of these Charges are of a Publick and some of a Private Nature. The former alone I shall Select for your Excellency's Perusal, which stands thus: "But I hope by this time, that there is not a real Parishioner of All Saints so prejudiced &c. as not to see through the vile and infamous Treatment I received. encouraged if not recommended by the most unprincipled and revengeful Man alive. I had for some time entertained hopes that the Spirit of Ambition &c. that had long disturb'd not only my own Peace but that of the Province would &c. A Spirit that when I went to take peaceable Possession of a Church raised a Mob against me, who had I not been miraculously preserved, would have Torn me into a Thousand Pieces. A Spirit that conjured up the blackest Fiends in Hell, to ruin my Fortune, prevarication lying corruption bribery." After pointing me out by the initial Letters of my Name, he pro-

Lib. C. B. ceeds thus. "Yet this is the Man who, in Possession of an
 No. 20 Honourable and Lucrative Office of £1500 a Year, insults his
 noble and generous Benefactor by his Words, defies him by his
 Actions, and wrests the Government of the Province out of
 his hands by the fury of a Mob." Towards the Conclusion he
 says "let him Stir up or lead Mobs against my Life, and raise
 Law Suits against my Property, yet shall he in the end find"
 &c. These are the Charges which he has in a Publick Manner
 Exhibited against me, or some other Person, who has the Hon-
 our to exercise some share in his Lordship's Government; As I
 entertain not the least doubt, from the Honourable Rank I
 hold in this Man's Esteem, that all these decent Charges are
 intended for me, so I apprehend the Application I am now
 making to Your Excellency for a full and fair hearing will be
 thought to come most properly from me in the first Instance.
 But whether it was my Case or the Case of any other Person,
 I should humbly apprehend, that the Interposition of Your
 Excellency would be indispensably necessary. It is publicly
 asserted, that an Officer in his Lordship's Service, who derives
 very considerable Emoluments from his Bounty is so far from
 Acting with fidelity to his Interest that he insults his Lordship
 by his Words defies him by his Actions and wrests the Govern-
 p. 31 ment of the Province out of his hands by the Fury of a Mob.
 Is not this I pray your Excellency a Matter proper for the
 Enquiry of those who are the Supporters of his Lordship's
 Government and the Guardians of his Prerogatives? can such
 a Piece of Information be properly overlook'd when it comes
 from a Person, who is under every Tie to consult and promote
 his Lordship's Interest, and holds a place of Great Honour
 Profit and Trust in his Service? Let the Event of this En-
 quiry be what it will it must redound to his Lordship's Interest.
 If the Charges can be Supported the Man who has been thus
 unfaithful to his Lordship, ought to be discarded from his
 Service with every Mark of Disgrace. If on the other hand
 they should appear to be the Effusions of a Heart inflam'd
 by the most rancorous Malice, and Dead to every feeling of
 truth, Honour and common Justice, his Lordship will have the
 best Grounds for judging of the real Character of a Man
 whom he has honoured with his Confidence and favour, and
 will be able to make a fair Estimate of the Merit of his past
 as well as future Representations.

The End of this Address to Your Excellency is, that an Ex-
 amination may be had into this Affair before Your Excellency
 and his Lordship's Council, and that the Reverend M^r Bennet
 Allen his Lordship's Agent may have timely Notice of the
 Meeting, that he may come prepared with all his Evidence to

support the Allegations contained in his Printed Paper above mentioned. I shall trouble your Excellency no further at present than to deny in the most solemn Manner, that I had any hand in Writing, advising or Publishing directly or indirectly the Piece inserted the Maryland Gazette signed A Parishioner of All Saints. I further declare that I know not who is the Author of it, and that the reputed Author is to me an entire Stranger. As this makes one of M^r Allen's Charges, I just mention it, that he may come prepared with Proofs on that head also. I beg your Excellency's Pardon for the trouble of this long Letter, and am Sir

Lib. C. B.
No. 20

Your Excellency's most Obed^t and very h^{ble} Serv^t
September 26th 1768. Walter Dulany.

On Consideration of the foregoing Letter, it is the humble Advice and opinion of this Board, that as M^r Bennet Allen hath by his Answer to the Governor's Letter of the 26th Ult^a declined to Undertake the proof of any of the Facts, Suggested in the Piece published in the Pennsylvania Chronicle, and does not choose to acknowledge himself the Author of that Piece, they do not think His Excellency can properly take any further Step in Consequence of the above Letter to him, but are of Opinion that the said Letter should be entered in the Council Proceedings.

At a Council held at the Governor's on the 21st Day of October in the Eighteenth Year of his Lordship's Dominion Anno Domini 1768

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benedict Calvert Esq^r John Beale Bordley Esq^r
 { John Ridout Esq^r

Read the Transcript of the Conviction of Andrew Windfield, late of Baltimore County, Convicted at the last Assize Court held in and for the said County, of a certain Man Slaughter by him Committed.

On Consideration whereof It is the Humble Advice and opinion of this Board that a Pardon ought to Issue to the said Andrew Windfield, if upon enquiry of the Judges of Assize his Excellency should find that any favourable Circumstances appeared on the Trial.

October 22^d 1768. Ordered by His Excellency the Governor that a Pardon issue in Behalf of Andrew Windfield late of Baltimore County Labourer Convicted of Man Slaughter

p. 32

Lib. C. B. at the last Assizes held in and for the said County, which
No. 20 issued accordingly.

At a Council held in the Council Chamber on Wednesday
the 26th Day of October in the Eighteenth Year of his Lord-
ship's Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Hon^{ble} { Daniel Dulany Esq^r John Beale Bordley Esq^r
 { John Ridout Esq^r

This day being appointed for a Hearing on the Complaint
of Edward Talbot against William Ireland the same is Or-
dered to be postponed.

His Excellency was pleased to lay before this Board a
Letter, dated the 20th of July last, which he had received from
M^r Hugh Hamersley, and also another Letter dated the 30th
of the same Month from his Lordship the Right honourable
the Lord Proprietary, which said two Letters were Ordered
to be Entered.

Serj^{ts} Inn London 20th July 1768.

D^r S^r

It is with equal reluctance Lord Baltimore dictates, and
my Pen transmits his present Commands. His early Con-
nection with your Excellency from his first Stepping into
Manhood, The Attention and regard you have Constantly
paid him, your unwearied Zeal to promote the Welfare of his
Province, the Uninterrupted harmony which has ever Sub-
sisted, not only between you and him, but between you and
every Branch of his Government, and the very acceptable
light in which your Services have been constantly receiv'd
by your King and Country here, all Concur to make his Lord-
ship wish that Connection might have been Co-extensive with
your Lives, unless your own better fortune had first inclined
you to dissolve the Union. But Your Excellency is no
Stranger to the Alliance some time since made by his Lord-
ships Sister with M^r Eden, a Lieu^t in the Coldstream Regiment
of Guards, and a Younger Brother of S^t John Eden an Antient
Baronet in the County of Durham. A Similitude of Pursuits,
joined to his Lordship's Partiality for his Sister, naturally led
him to Entertain hopes of one Day succeeding your Excel-
lency; hitherto his Lordship has resisted every temptation,
Except that Superior one which has so attach'd him to you.
But the workings of Nature, the Merits of his Brother in

Lib. C. B.
No. 20

Law, to himself particularly, and the Sollicitations of Relations have at Length prevailed, and forc'd him to take the Painful Resolution of Delegating the Succession to M^r Eden, for I am thoroughly satisfied, and he has Authorized me to say no other Successor would have ever been sent you by him, unless you had first desired it. M^r Eden is at present only under Nomination, neither Commissioned by his Lordship nor approved by the King, and does not intend leaving England till after the ensuing Christmas.

This Event will not I hope Interrupt Our future Correspondence, for tho' Commenced under particular Relations, I shall at all times and places and upon every Occasion be happy in approving my particular Regard and Esteem for Your Excellency. His Lordship has again directed me before I conclude to repeat his Satisfaction in every part of Your Administration, and to request that you will still Permit him to Salute you his Friend, when you are no longer his Lieu^t Governor.

I am with usual Friendship & Esteem
Dr Sir Your most Faithful Hble. Servant

To Hugh Hamersley
His Excellency Horatio Sharpe Esq^r

London July 30th 1768. p. 33

Sir,

The Purport of this Letter is to acquaint you that I have appointed my Brother in Law Robert Eden to succeed you as Lieutenant Governor of Maryland. I return Your Excellency my utmost thanks for your Extreme good Conduct during Your Administration, which nothing but Fraternal Affection could have made me wish to have altered.

I am with the greatest Esteem and Consideration
Your Excellency's sincere Friend and most Obed^t Servant
F: Baltimore

His Excellency Horatio Sharpe Esq^r

At a Council held at the Governor's on Thursday the 1st day of December in the Eighteenth Year of his Lordship's Dominion Anno Domini 1768.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honble { Daniel Dulany Esq^r Walter Dulany Esq^r
 John Ridout Esq^r

Lib. C. B. Read the Transcript of the Conviction of Philip Fitzgerrald,
 No. 20 late of Dorchester County Labourer Condemned, at the last
 Court of Assize held in and for the said County, for a certain
 Felony by him Committed. Read also the following Repre-
 sentation of the Justices relative thereto.

Sir

We do hereby represent unto Your Excellency, that, pursuant to his Lordship's Commissions to us directed, a Court of Assize Oyer Terminer and Goal Delivery was holden before us for the County of Dorset, at the Court House, within the Town of Cambridge, in the said County, on Monday the twelfth day of September One Thousand seven hundred and Sixty eight, at which Court Philip Fitz-Gerrald was Convict on full Evidence, by Verdict of a Jury, for feloniously breaking and entering the Store House of Clement Bailey, not being Contiguous to or used with any Mansion House, and thereout feloniously taking Sundry Goods Wares and Merchandizes, and the said Philip being asked if any thing he had to say wherefore Judgment of Death should not pass on the said Verdict, according to Law, He did make Answer that nothing he had to say, therefore Judgment of Death was pronounced as usual, all which may more fully appear to your Excellency by the Transcript of the Record.

We are Sir

Your Excellency's most Obed^t humble Servants.

B: Hands

J Beale Bordley.

Ordered by his Excellency the Governor, with the Advice of this Board that Death Warrant Issue for the Execution of the said Philip Fitzgerrald, on Wednesday the 14th day of this Instant, which Issued accordingly.

Read the following Petition of James Richard of Baltimore County, and also the Petition of the Bench and Bar of the said County, in his Behalf.

May it please your Excellency

Although I know myself unworthy, and that I ought not to presume to Address myself to Your Excellency; yet, reduced to the most dreadful Calamitous Situation, and the Butt of Party Rage, I in most humble manner do entreat your Pardon, for daring to Cause you the trouble of Perusing these Lines; without your Excellency's most Gracious Pardon my Family

is rendered most unfortunate and disgraced forever; in the
behalf of a tender Mother and of Number of Sisters and
Brothers, allow an unfortunate Wretch to Implore forgive-
ness and Mercy, the which have been acquainted by M^r
Thomas Johnson has been heretofore done by the Justices of
this County, a Gentleman of the Law in my behalf having
heretofore been incapable of Acting, By your Excellency's
Clemency saved from Publick Shame, to which many do wish
to bring me, my Grateful Heart, impressed with a due Sense
of the invaluable Obligation conferred, shall never forget the
Benign Author of its future Peace, and Eternal Repose, which
I shall endeavour to seek and find if Possible in some Clime
where unknown. I can say nothing in my behalf, Mercy.
Your Excellency's wonted Mercy; is all my Plea and depend-
ance; I most humbly, in the Name of the Almighty Author of
all Things, implore the same, that I may be by the same
Wrested out of the Hands of mine Enemies whereof I here-
tofore have had and still have too many to Struggle with, and
those chiefly in Power, who, if they wou'd be Candid, might
Justly vouch that I am a Foe to none but myself. Should your
Excellency deign to peruse in my behalf the Records of his
Lordship's Council, for the Year 1747, thereby will be Con-
vinced of my Attachment to the Illustrious House, who now
with Glory doth fill the British Throne, as well as perceive
the Malicious attempts then made to affect my utter destruc-
tion, steadfast to my Principles in the last unhappy times,
having endeavoured to keep the People Quiet, and been active
in my Duty, (which the whole County can vouch,) the Dis-
turbers of the Peace of this Province, styling themselves the
Sons of Liberty, did attempt my Destruction, and I saved my
Life perhaps by Complying with their Extravagant Orders,
the Insults renewed again at Our last Election, having opposed
Mess^{rs} Ridgely Adair and Moal their Leaders. I can hardly
express the Risk I at that time did run, being within one Yard
of the River, their Mob were Ordered to throw me in, I hope I
never was wanting in my Duty to his Lordship, whereof I
cou'd, if by your Excellency Commanded, give Convincing
Proofs; whatever is contained in the Petitions by me delivered
to the Hon^{ble} John Ridout Esq^r in Regard to the Magistrates
of this County exacting Fees, is Truth, but the Petitioners,
afterwards Threatened and awed by them, were forced to
Retreat, of which Your Excellency might, were you so pleased,
be Convinced by Ordering each to appear before you, as each
also, Owings and Richards Excepted, were active in that

Lib. C. B.
No. 20

P. 34

Lib. C. B. Riot concerning the Stamp Act. by the Information I could
No. 20 have no other view but the Dignity of the Government, where-
fore have and do still beyond Measure suffer, the Magistrates
mentioned in the Petition would not admit me to Bail, tho'
they have Murderers, my House, Drawers, and Coffers &c.
were broke open by the High Sheriff, deputed on the Occasion,
my Family Confined in my Absence for want of Bail, and on
my Arrival no time allowed to secure my House or Goods,
many of the latter having since been Plundered, I was hurried
in the most Loathsome place Imaginable, and without being
allowed fire or Candle, or even the least thing to Lye upon,
Locked up with the three unhappy Persons who now Experi-
ence your Excellency's Clemency, where am still, being al-
lowed Candles only, the House open to all Weathers on each
side, and Floor also, my Table and Bed within four foot of the
place where forced by Nature to repair, and constantly af-
flicted by the Rheumatism, my deplorable Condition forces me
to become Importunate; if your Excellency to Mercy inclined,
will save my Life my Gratitude shall be Eternal, and for the
same I can offer only my Vows and Prayers to Almighty God
for Your Excellency's present and Eternal well being.

I most humbly do crave Leave to Subscribe myself Your
Excellency's

Most obedient most humble Servant,
Balt. County 18th Nov^r 1768. James Richard.

May it please your Excellency

At Baltimore County August Adjourned Court, several of
the Gentlemen of the Bar left their Papers one Evening in the
Court House, in the Night the House was broke open, and the
Papers stolen, to the Great Loss of many of the suitors, whose
p. 35 Original Bonds, Notes of Hand, and other Evidences had
been left with their Attornies. James Richard is in Custody
charged with several Larcenies, and was generally suspected
of knowing at least, what had become of the Stolen Papers,
some of the Lawyers therefore urged Richard to a discovery,
under their repeated Promise of an Application to Your Ex-
cellency to extend Mercy to him by granting him a general
Pardon, and a Pardon to the Person who broke the House and
Stole the Papers and his Accomplices for that Fact. These
Promises have had such a good Effect, that Richard has
returned all the Papers. It remains with us may it please
Your Excellency to request that you will be pleased to Exer-
cise your usual Clemency, under these Circumstances where

Numbers receive great Benefit from the strong hopes entertained of forgiveness. Lib. C. B. No. 20

We are Your Excellency's most Obed^t hble Servants

Baltimore Town	Thomas Franklin	}	Upon Condition the said Ja ^s Richard leaves the Province.
3 ^d November 1768	Will ^m Young		
	Rich ^d Richards	}	The Bar without Condition.
	Benjamin Rogers		
	Thomas Jenings	}	
	Tho ^s Johnson Jun ^r		
	Will ^m Paca		
	Samuel Chase		
	Samuel Young		
	Benj ⁿ Nicholson		

On Consideration of the foregoing Petition it is the Unanimous Advice and opinion of this Board that His Excellency should not grant a Pardon to the said James Richard.

Read and Rejected the Petition of Michael Kirkpatrick.

At a Council held at the Governor's on Friday the 30th day of December in the Eighteenth Year of his Lordship's Dominion Anno Domini 1769.

Present

The Hon^{ble} { Daniel Dulany Esq^r Walter Dulany Esq^r
 { John Ridout Esq^r John Beale Bordley Esq^r

His Excellency is pleased to acquaint this Board, that repeated and Strong Applications have been again made to him for the Pardon of James Richard, by the Lawyers whose papers he had returned; and desires their Advice whether it may be prudent to grant him a Pardon in Consequence of these Sollicitations, It is the Unanimous opinion of this Board that no Pardon ought to be granted before his Trial.

At a Meeting of the Council held at the Governor's on Thursday the 16th Day of February in the Eighteenth Year of his Lordship's Dominion Anno Domini 1769.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The hon^{ble} Daniel Dulany John Ridout and John Beale Bordley Esq^{rs}

His Excellency is pleased to acquaint this Board, that he has received Instructions from His Lordship, the Right hon-

Lib. C. B. ourable the Lord Proprietary, to appoint George Steuart Esq^r
No. 20 a Member of his Lordship's Council, and of the Upper House
of Assembly of this Province, who, being present, took the
several Oaths to the Government required by Law, as also the
usual Oath of Councillor, repeated and Subscribed the Oath
of Abjuration and Test, and then took his seat at the Board
accordingly.

His Excellency is pleased to lay before this Board the fol-
lowing Letter which he received from the hon^{ble} John Penn
Esq^r together with sundry other Papers relative thereto and
desires their Advice thereon

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Philadelphia February 4th 1769.

Sir

By the Papers enclosed you will find that several riots,
which I am informed were attended with very aggravating
Circumstances, have lately been Committed in the County of
Chester, within this Province, by People who are Inhabitants
of Maryland. The delinquents are out of the reach of Our
Process, and there is no way of bringing them to Justice but
by Your Assistance, for which I the more chearfully apply,
from a Persuasion of your good Disposition to promote and
establish an harmony between the two Provinces, and that you
will at once see the Propriety of the Application, and the
Necessity there is that Neighbouring Governments should
Concur in their endeavours to Punish the Crimes committed
by the borderers on both sides, and I cannot doubt but you
will give immediate Orders to the Magistracy of Cecil County,
where I am told the Offenders reside, to issue Warrants
against them, and when apprehended to Cause them to be de-
livered to the Peace Officers of Chester County, or to hold
them to Sufficient Securities to appear at that County Court, to
Answer the Charges Exhibited against them. at the same
time I beg you will be assured, that I shall always think it my
Duty, as it is my Inclination, to shew the Utmost respect to
any Application, you may at any time have Occasion to make
to me.

I am with great Regard, Sir
Your most Obedient humble Servant.

Governor Sharpe.

John Penn.

Chester County ss:

The Grand Inquest for Our Sovereign Lord the King who
now is for the Body of the County of Chester upon their
Oath and Affirmation respectively do present that Robert

Porter late of Chester County Miller Stephen Porter late of the same County Attorney at Law Francis Baker late of the same County Yeoman Jeremiah Baker of the same County Yeoman, James Downey late of the same County Yeoman, James Gallaspy late of the same County Yeoman, Nathaniel Gallaspy late of the same County Yeoman David Earl late of the same County Labourer Andrew Porter late of the same County Yeoman James Maccalease late of the same County Labourer James Maccalease late of the same County Yeoman, John Cavenah late of the same County Cooper John M^c-Crackan late of the same County Cooper John Rankin late of the same County Yeoman John M^cCune late of the same County Yeoman James Willson late of the same County Collier, John Carnahan late of the same County Labourer Thomas Porter late of the same County Yeoman James Gamuel late of the same County Collar Maker John Carmichael late of the same County Yeoman Robert Brown late of the same County Labourer and divers other Persons to the Grand Inquest unknown on the Twentieth day of August in the Year of Our Lord One Thousand seven hundred and Sixty eight at Chester County aforesaid and within the Jurisdiction of this Court with Force and Arms &c riotously routously tumultuously and unlawfully themselves did Assemble and gather together with an Intent the Peace of Our said Lord the now King then and there to break and disturb and so then and there being assembled and gathered together the Mansion House of William Reynolds then and there with Force and Arms &c. riotously tumultuously and unlawfully did break and enter and Sixty Panes of Window Glass of him the said William then and there with Force and Arms &c riotously routously tumultuously and unlawfully did break and destroy and then and there with Force and Arms &c. in and upon the said William Reynolds in the Peace of God and of Our said Lord the King then and there being riotously routously tumultuously and unlawfully an Assault did make and him the said William Reynolds then and there with Force and Arms &c. riotously, routously, tumultuously and unlawfully did Beat Wound and evilly treat so that of his Life it was greatly despaired and other Harms to him the said William then and there did to his great Damage and against the Peace of Our said Lord the King &c. and then and there with Force and Arms in and upon Prudence Reynolds in the Peace of God and of Our said Lord the King then and there being riotously routously tumultuously and unlawfully with Force and Arms &c. did beat wound and evilly treat and other Harms to her the said Prudence then and there did to the great Damage of

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her the said Prudence and against the Peace of Our said Lord the King his Crown and Dignity &c.

Witness

Benjamin Chew Att^y Gen^l

William Reynolds

Aff^d in Court

Endors'd A true Bill, Richard Downing

Chester County ss.

I do hereby Certify that the foregoing is a true Copy of the Original remaining in the office of the Clerk of the Peace for the said County of Chester taken from and Compared therewith this Thirty first day of January Anno Domini 1769. In Testimony whereof I have hereunto set my hand and Seal of the County aforesaid.

H. H. Grahame Clerk.

Chester County ss.

The Grand Inquest for Our Sovereign Lord the King who now is for the Body of the County of Chester upon their Oath and Affirmation respectively do present that Robert Scott late of Chester County Labourer the fourth day of May in the Year of Our Lord One Thousand seven hundred and Sixty eight at the County of Chester and within the Jurisdiction of this Court with force and Arms &c. in and upon Elisha Price Esq^r then and there Chief Burgess of the Burrough of Chester in the County aforesaid and also one of the Justices of the Peace for the same County being and then and there being in the due and Legal Execution of his Duty in his said Office of Justice of the Peace for the said County in the Peace of God and of Our said Lord the King then and there also being an Assault did make and him the said Elisha then and there did Evilly treat and other Harms to him the said Elisha then and there did to the great Damage of him the said Elisha and against the Peace of Our said Lord the now King his Crown and Dignity &c.

Witnesses
Elisha Price Esq^{rs}
Samuel Kennedy
John Kennedy
Abraham Emmet

Benjamin Chew Att^y Gen.
Endors'd A True Bill
W^m Peters, Foreman
Sworn in Court.

Chester County ss.

I do hereby Certify that the foregoing is a true Copy of the Original remaining in the Office of the Clerk of the Peace for the said County of Chester taken from and compared therewith this Thirty first day of January Anno Domini 1769. In

Testimony whereof I have hereunto set my Hand and Seal of the County aforesaid.

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H. H. Graham Clerk.

Chester County ss:

The Grand Inquest for Our Sovereign Lord the King who now is for the Body of Chester County upon their Oath and Affirmation respectively do present that Andrew Crawford late of Chester County Labourer the fourth day of May in the Year of Our Lord One Thousand seven hundred and Sixty eight at the County aforesaid and within the Jurisdiction of this Court with Force and Arms &c. in and upon Samuel Kennedy in the Peace of God and of Our said Lord the King then and there being an Assault did make and him the said Samuel then and there did beat wound and evilly treat and other Harms to him the said Samuel then and there did to the great Damage of him the said Samuel and against the Peace of Our said Lord the King his Crown and Dignity &c.

Benjamin Chew Att^y Gen^l

Test

Endorsed, A true Bill

Samuel Kennedy
Elisha Price Esq^r

John Kennedy } W^m Peters Jⁿ
Abrm. Emmett } sworn in Court.

Chester County ss. I do hereby Certifie that the foregoing is a true Copy of the Original remaining in the Office of the Clerk of the Peace for the said County of Chester taken from and compared therewith this thirty first day of January Anno Domini 1769. In Testimony whereof I have hereunto set my Hand and the Seal of the County aforesaid.

H. H. Graham, Clerk.

The Deposition of John Jack.

Personally appeared before me William Allen Chief Justice John Jack of London Brittan Chester County Miller and on his Solemn Oath on the Holy Evangils of Almighty God declares and says that on or about the last day of August Anno Domini 1768. Mark Alexander come to the said John Jack on his own Plantation and threatened to split the Scull of the said John Jack. That about the 7th of September Anno Domini 1768. Sterrit Gray, Thomas Gray, John Alexander and Benjamin Mason come to the House of John Jack beat and abused him the said John his Wife and two Daughters.

And about the 7th of January 1769. Mark Alexander John Alexander, George Wafer William Dickson Matthew Langwell and Thomas Gray came to the Mill of John Jack with Clubbs and other unlawful Weapons and after threatning the

Lib. C. B. said Jack turn'd off the Water from his Mill and threatned to
No. 20 make a fire at the Mill House Door to burn the said Jack out.
John Jack

Sworn before me this 1st of February 1769. Will: Allen.
All but Starret Gray and Thomas Gray live in Cecil County,
Maryland.

Whereupon Consideration of the Premisses being had, It is
the Humble Advice of this Honourable Board that the At-
torney General be directed to make Enquiry into the Nature
of the Offences, and Cause of the Riots complained of, and to
Report thereon to his Excellency.

Read the following Letter from Joseph Sim Esq^r to the
Honourable Daniel Dulany Esq^r which his Excellency was
pleased to Communicate to this Board desiring their Advice
thereon.

January 10th 1769.

Sir.

The last Assizes held for Prince Georges County, John
Lillie, one of the Duputy Clerks, was presented by the Grand
Jury for erasing a Deed from the Records which was forged
and Entered on the Record Book by George Hamilton. As I
am well acquainted with the whole of this Affair, and know
this Man's Innocence, and the great Hardship he Labours
under, I have taken the Liberty of troubling you with a par-
ticular and full relation of the Transaction, and must request
the favour of you to apply to the Governor, in his behalf that
a Stop may be put to any further Proceedings against him,
that he may not be obliged to go through the pain of a Prose-
cution.

At our last August County Court, on Wednesday Evening,
M^r Thomas Sim Lee informed me that he had received a Letter
from George Hamilton requiring him to Copy a Deed with the
County Seal and send him, from George Gordon to his Father
George Hamilton for certain Lands therein mentioned, that he
had examined the Record of the Deed, and believed it to be
forged, and requested me to go with him to the Office and look
at it, which I immediately did, and found it to be entered at the
End of one of the Land Record Books, the greatest part of it
on the inside of the Cover of the Book, it was dated in the Year
1745, and the Deed immediately preceeding it, and which
finished the Record Book, in the Year 1746. from these Sus-
picious Circumstances, and the freshness of the Writing, I
was Convinced it was a forgery. Edward Sprigg Junior, then

one of the Clerks in the Office, said he believed it to be George Hamilton's Writing, being well acquainted with his Hand, Hamilton having some time before wrote in the Office with him. I then advised M^r Lee to send for Hamilton, who was in Town, when he came into the Office, I shewed him the Record and asked him in the Presence of M^r Lee, M^r Sprigg, M^r James Barrance, Thomas Landsdale, and John Lillie, Clerks in the Office, if he had made that Entry, he reply'd that he did not nor had ever seen it before. I endeavoured to persuade him to a Confession. M^r Sprigg still declaring it to be his hand Writing, but he persisted in denying it. I then left the Office, and afterwards, on M^r Lee's asking me how he should Act, I advised him to acquaint the Court of the Transaction, he said perhaps Hamilton might be prevail'd on to Confess the Fact to me, tho' he would not in the presence of so many Persons, that he would go to him and endeavour to persuade him to do it. A very short time after, and before I left the Court House, Hamilton came to me and said I acknowledge I entered that Deed upon Record myself, I asked him what could induce him to be guilty of so bad an Action, he Answered that if he had not been persuaded he should never have thought of doing it, but would not say by whom, we then parted. Immediately went to M^r Lee and informed him of the Conversation that had passed, as also those who were present in the Office at the time Hamilton was first called on. M^r Lee desired I would Advise him what I thought he had best do with Regard to the Record. I told him that by Hamilton's Confession it was no Record, and as there was Sufficient Evidence to Convict him on a Prosecution, I thought it best to have the Deed carefully erased out of the Record, and as Clerk I thought he could not let it remain there, especially as it might be done without any Prejudice to the Book, it being mostly on the inside of the Cover of it, and further told him it would be right to have it done in the Presence of some of the Persons that were present at the time Hamilton was called in the office, in Consequence of this Advice, he directed John Lillie one of the Clerks in the Office to take it out, and to be very careful in doing it. The next Morning M^r Lee set off for England, after his departure I enquired of Lillie if he had complied with his Orders in erasing the Deed from the Record Book, he told me he had, and upon Examination I found it very carefully done, and without any Prejudice to the Book. At the next Assizes Hamilton and Lillie were presented, Hamilton for entering the Deed and Lillie, (who acted only in Obedience to M^r Lee's order, and that from an Opinion it was Right) for erasing it. If any thing further should be required of me I shall Chearfully

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Lib. C. B. Comply. I hope you will Excuse the trouble I am giving you
No. 20 on this Occasion, and believe me to be Sir.

To Your most Obedient Servant.
The Honble Daniel Dulany Esq^r Joseph Sim.

Upon Consideration of the foregoing Letter, His Excellency, with the Advice and Consent of this Honourable Board, was pleased to Order a Noli Prosequi to stay all further Proceedings on the Presentment against the aforesaid John Lillie.

At a Council held at the Governor's on Friday the 17th Day of March in the Eighteenth Year of his Lordship's Dominion Anno Domini 1769.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honble { Benedict Calvert Esq^r Walter Dulany Esq^r
Daniel Dulany Esq^r John Beale Bordley Esq^r
John Ridout Esq^r George Steuart Esq^r

Read the Transcript of the Conviction of Negro Scipio late of Prince Georges County Labourer (the Slave of a certain Thomas Ramsay Hodges,) Condemned at the last November Court held in the said County for breaking open and Robbing the Meat House of M^r Stephen West of Prince Georges County af^d

Read also the following Representation of the Justices relative to the Conviction of the aforesaid Negro Scipio.

May it please your Excellency.

p. 40 At last November Court Negro Scipio, the Slave of Thomas Ramsay Hodges of this County was indicted tried and found Guilty of breaking open the Meat House of M^r Stephen West, and Stealing from thence a quantity of Bacon. The Evidence against him consisted of his own Confession, (which appeared to have been Voluntarily made), and some pretty strong Circumstances evincing his Guilt; He seemed to be extremely Ignorant, and not at all acquainted with the Penalty by Law inflicted on the Crime he had Committed. We have directed the Clerk to Transmit to Your Excellency a Transcript of the Proceedings

and are Your Excellency's most Obed^t Servants.
December 16th 1768.

Jos^a Beall
Alex^r Symmer
Rich^d Duckett Jun^r
James Crow
Joseph Sprigg.

Ordered that the Consideration of this Matter be postponed. Lib. C. B.

Read the following Petition of James Richard, of Baltimore County, Convicted of Larceny at the last November Court, held in and for the said County, for which he was Sentenced to be Whipp'd and stand in the Pillory. No. 20

To His Excellency Horatio Sharpe Esq^r Governor of Maryland.

The Petition of James Richard of Baltimore County.

Most humbly sheweth to Your Excellency.

That your Unfortunate and most Unhappy Petitioner, truly sensible of the great Mercy to him already shewn by Your Excellency, craves leave in most humble manner to acknowledge Your unmeritted Commiseration in this behalf. Truly sensible thereof your wretched Petitioners grateful Heart, must ever, and in its last most arduous Moments, particularly remember the Merciful Author of its future Tranquility.

That Your wretched Petitioner, having been informed by M^r Thomas Johnson Junior, (whose publick Promise he has to wait on Your Excellency in his behalf.) Your Excellency upon certain Conditions, may perhaps out of Regard to his Relatives, and in tender Commiseration of his Age, be induced to extend farther Mercy, thereby as well as by Your Excellency's innumerable Acts of Clemency, encouraged, Your Petitioner in most humble manner entreats he may find Mercy, as that also should it be your Pleasure, he must in his old Age seek for a livelihood in another Clime, such time as to your Wisdom shall seem meet may be allowed him to settle his Affairs, being involved in Sundry Suits, and his small Estate Mortgaged to Mess^{rs} Ridgely and Taylor, who, seeing your wretched Petitioner sunk into the Earth have by unjust Law Proceedings endeavour'd to avail themselves thereof, and would have succeeded (having procured unwarrantable Possession) had not Providence influenced the true Friend of Mankind, the Honourable Beale Bordley Esq^r to oppose such their unjust Proceedings, against your otherwise defenceless Petitioner. In tender Commiseration of your wretched Petitioner's Relative, the worthy Family of Sir Theodore Jansen Deceased, nearly allied to the Right honourable the Proprietary of this Province; tho' now unworthy of them, by the late Blemish he has received, worse to Your wretched Petitioner than Death, suffer him in most humble manner to plead

Lib. C. B. your wonted Mercy first, and for their their sake to pardon
 No. 20 the most wretched of Men. And Conscious of your Excellency's great Mercy Your Petitioner, with the sincerest Heart, which due Gratitude must Excite in his Breast, shall ever pray for Your Excellency (as next to Almighty God) the Author of his future Welfare.

James Richard

Upon Consideration of the foregoing Petition, his Excellency with Advice of this Board, was pleased to Order a Pardon to issue in favour of the said James Richard, upon Condition of his leaving the Province within Forty days from the date thereof, and never to return again, which issued accordingly.

p. 41 Ordered by his Excellency the Governor that the present General Assembly of this Province which stands Prorogued to Tuesday the 21st day of this Instant March, be further Prorogued until Tuesday the 17th day of May next and Proclamations issued accordingly.

At a Council held in the Council Chamber on Monday the 10th of April in the Eighteenth year of his Lordship's Dominion Anno Domini 1769.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Hon^{ble} { Daniel Dulany Esq^r Walter Dulany Esq^r
 { John Ridout Esq^r George Steuart Esq^r

Read the Transcript of the Conviction of Negro Ben, late of Talbot County, the Slave of a certain Rachel Harrison of said County, Condemned, at the last March Court held in and for the said County, and also Read the following Representation of the Justices and Jurors in favour of the said Negro Ben.

To His Excellency Horatio Sharpe Esq^r Governor of Maryland.

We the Justices of Talbot County beg leave to acquaint Your Excellency, that Sentence of Death hath this March Court been passed upon Negro Ben, a Slave belonging to Rachel Harrison for assaulting with Intent to Ravish Eve Shanahan. As the Evidence upon which his Conviction was

founded had such uncertainty in it, that it was neither clear the said Ben was the Felon, (the attempt having been made in the Night, and in an House without Light, where Objects could not well be discovered,) nor (if he was the Person) that his Intention was to Ravish. We take the Liberty to recommend him as a proper Object of Your Excellency's Pardon

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J. Goldsborough	Jon ^a Nicols
R. Goldsborough	W ^m Martin
Ja ^s Dickinson	

To His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

We the Subscribers, being the Jurors that passed upon the Trial of Negro Ben (slave of Rachel Harrison of Talbot County) for committing an Assault on the Body of Eve Shannahan, with design to Commit a Rape upon the Body of the said Eve, and we being very desirous that your Excellency would extend Your Mercy to the said Ben, do beg leave to recommend him to Your Excellency as apprehending that the Law in that Case is extremely severe, and being satisfied that the attempt made upon the Woman brings him within the Description of that Act, yet Notwithstanding, as the Fellow before bore a good Character, the Attempt but small, and the Evidence not so clear as we could wish, we hope your Excellency will grant Pardon to the said Ben. And Your Petitioners will pray.

March 13th 1769.

Daniel Sherwood for ⁿ	John Stevens	Henry Banning
Sam ^l Dickinson	N. Goldsborough	G: Dawson
John Thomas	Thomas Harrison	Isaac Palmer
Edw ^d Nidils	Joseph Bowley	Joseph Harrison.

Ordered by his Excellency the Governor, with the Advice of this Board, that a Pardon issue for the above mentioned Negro Ben, which issued accordingly.

Read the Transcripts of the Conviction of Negro George, the Slave of Thomas Lingam of Baltimore County, and Negro Sam, the Slave of the Rev^d Hugh Dean of said County, Condemned, at the last March Court held in Baltimore County, for breaking open and Robbing the Meat House of a certain Jacob Davis of Baltimore County aforesaid.

Ordered by His Excellency the Governor, with the Advice of this Board, that Pardons Issue for the aforementioned Negroes George and Sam, which were Issued accordingly.

Lib. C. B. At a Council held in the Council Chamber on Friday the 5th
No. 20 day of May in the Nineteenth Year of His Lordship's Do-
p. 42 minion Anno 1769.

Present

His Excellency Horatio Sharpe Esq^r Governor
The Honble { Benedict Calvert Esq^r John Ridout Esq^r
 { Daniel Dulany Esq^r George Steuart Esq^r

Ordered that Pardon issue for Negro Scipio, late of Prince Georges County Labourer, the Slave of a certain Thomas Ramsay Hodges of said County, the Transcript of whose Conviction and Representation of the Justices relative thereto, were read at a Meeting of this Board on the 17th Day of March last. which said Pardon was issued accordingly. Ordered that the present General Assembly of this Province which stands Prorogued to Tuesday the 16th day of this Instant May be further Prorogued to Tuesday the 27th day of June next, and Proclamations issued accordingly.

Ordered that the several Sheriffs pay to the Clerk of this Board the Provincial Amerciaments collected by them respectively, and that Letters be wrote by the said Clerk to such as are in Arrears that their Bonds will be put in Suit unless they immediately discharge the same.

At a Council held in the Council Chamber on Thursday the 18th day of May in the Nineteenth year of His Lordship's Dominion Anno Domini 1769

Present

His Excellency Horatio Sharpe Esq^r Governor.
The Honble { Benedict Calvert Esq^r Walter Dulany Esq^r
 { Daniel Dulany Esq^r John Beale Bordley Esq^r
 { John Ridout Esq^r George Steuart Esq^r

His Excellency is pleased to acquaint this Board, that no Steps have hitherto been taken to procure full Information respecting the Riots committed in Pensylvania, complained of in Governor Penn's Letter, laid before this Board on the 15th of February last, owing to the Miscarriage of a Letter wrote by the Attorney General to M^r George Garnet Prosecutor of his Lordship in Cecil County. This Board, taking the said Matter into Consideration, are of Opinion, that, as M^r Garnet is in an infirm State of Health, the Clerk of this Board be directed to send Copies of the Sundry Papers, inclosed in the said Letter, to the Chief Justice of Cecil County, with Directions to him, and the three Justices next in Com-

mission to him, or any two of them, to make the Strictest en-
quiry into the Truth and Nature of the Offences therein Com-
plained of, And that they return a full Account with all
convenient Speed of the Steps they take, and the Information
they receive in Consequence thereof. Whereupon the afore-
said Copies being prepared they were transmitted accordingly
together with the following Letter.

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Annapolis the 18th May 1769

Gentlemen

The Honourable Governor Penn having Complained to
His Excellency Our Governor of Sundry Riots and Offences
committed in Chester County in the Province of Pennsylvania,
by Inhabitants of Maryland, and requested his Assistance that
the Offenders may be brought to Justice, I am directed by
the Governor and Council to send you the inclosed Copies of
Sundry Indictments and Depositions against several Inhabit-
ants of Cecil County, On the Receipt of which it is their
desire and expectation that you, or any two of you will imme-
diately make the Strictest Enquiry into the Truth and Nature
of the Offences therein Complained of, and that you transmit
to me with all convenient Speed a full Account of what Steps
you take in this Matter, and the Information you receive in
Consequence thereof.

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I am Gentlemen
Your most humble Servant
Upton Scott Cl. Con.

To the Worshipful
Mess^{rs} George Milligan, Andrew Pearce,
George Gilpin and William Rumsey
or any two of them.

At a Council held in the Council Chamber on Friday the 2nd
day of June in the Nineteenth Year of His Lordship's Do-
minion Anno Domini 1769.

Present

His Excellency Horatio Sharpe Esq^r Governor
The Hon^{ble} John Ridout John Beale Bordley and George
Steuart Esq^{rs}

Read the Transcript of the Conviction of Jane Turner, late
of Charles County Spinster, Condemned, at the last Assize
Court held in Charles County, for feloniously breaking and
entering the House of a certain David Rawlings of said
County, and Stealing from thence Sundry Pieces of Money,
the Property of the said Rawlings. Read also the following

Lib. C. B. Letter from the Justices of Assize relative to the said Con-
No. 20 viction

p. 44 May it please your Excellency.

At an Assize Court, held for Charles County on the 24th Day of April last, one Jane Turner of the said County was indicted, arraigned, and found Guilty of Felony, and Sentence of Death was accordingly pronounced against her.

The Principal Evidence against her appeared to us to be an Accomplice in the Offence, and the Criminal to be a poor silly Woman. In stay of Execution on the Judgment she pleaded Pregnancy.

We are Your Excellency's
most Obedient humble Servants.

24th May 1769

J. Hepburn
G. Steuart.

Whereupon, Consideration of the Premises being had his Excellency, with the Advice of this Board, was pleased to Order a Pardon to issue for the aforesaid Jane Turner, which was issued accordingly.

Ordered that the present General Assembly of this Province, which stands Prorogued to Tuesday the 27th day of this Instant June, be further Prorogued to Thursday the 27th day of July next, and Proclamations issued accordingly.

p. 45 Be it Remembered, that, on Tuesday the Sixth day of June, in the Ninth year of the Reign of Our Sovereign Lord King George the Third &c. and in the Nineteenth Year of the Dominion of the Right Honourable Frederick Lord Baron of Baltimore, and so forth, Annoque Domini 1769,

At the Council Chamber, in the City of Annapolis, Appeared the Honourable Robert Eden Esq^r and in the Presence of the Honourable John Ridout, Walter Dulany, and George Steuart Esq^{rs} Members of His Lordship's Council, produced his said Lordship's Commission, (which follows in these Words.)

F. Baltimore

Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon in America Lord Baron of Baltimore in the Kingdom of Ireland. To Our Trusty and well beloved Brother Robert Eden Esquire, and to all others to whom these Presents shall come, or may any way concern, Greeting. Know Ye, That for and in Consideration of Our Regard and Affection which we bear to You the said Robert Eden, and reposing special Trust and Confidence in Your Loyalty, Prudence, Conduct, and Fidelity, We have Nominated, Consti-

tuted, and appointed, and, with the Approbation of his most sacred Majesty King George the Third, Do, by these Presents, Lib. C. B.
Nominate, Constitute, and appoint You Our said Trusty and No. 20
well beloved Robert Eden Lieutenant Governor and Chief Governor of the s^d Provinces of Maryland and Avalon, in America, and also Commander in Chief, both by Sea and Land, of all the Forces raised or to be raised within the Limits of the said Provinces, or the Islands, Territories, and Dominions thereunto belonging, and over all such Forces to appoint proper Officers, and them to remove and Displace at Your Will and Pleasure, And further we do, by these Presents, Impower and Authorize you Our said Trusty and well beloved Robert Eden to call and summon any General Assembly or Assemblies, and them to Prorogue or Dissolve at Your own will and Pleasure, and likewise in Our Name, but with the Advice and Consent of the Council, and the Delegates of the Freemen in the said Provinces in Assembly Convened, to make and Enact such Laws as you and they shall think convenient, for the good Government of the Inhabitants in the said Provinces, as likewise to repeal or alter any Law or Laws whatsoever already Enacted in the said Provinces as you, with the Advice and Consent aforesaid shall think fit and expedient. Provided that such Laws, so to be made and Enacted, be not repugnant to the Laws of Great Britain, nor destructive or Invading of the Prerogative Royal, granted to the Lord Proprietary of the said Provinces; All which Laws you are hereby, required to transmit to us for Our Confirmation or Disallowance of them; And we do further by these Presents, grant full Power and Authority to you, Our said Trusty and well beloved Robert Eden, to Exercise, Execute, and put in Practice all and every other Power or Powers, Jurisdictions, and Authorities whatsoever granted in, and by the Letters Patents of his late Majesty King Charles the First, of Blessed Memory, unto the Right honourable Cecilius Calvert, Baron of Baltimore, his Heirs and Assigns, in as ample a manner as if We were there Personally present, and generally to do, Execute, and Perform all manner of Matters and Things necessary for the good Order, Government, Administration, and Execution of Justice, the Maintenance of the just Rights and Prerogative of the Lord Proprietary of the said Provinces, and for the Defence, Peace and Preservation of the said Provinces, and the Inhabitants thereof. To Have and to Hold the said Offices, stations, and Powers, with all and singular the Rights, Emoluments and Privileges thereunto belonging and appertaining, during Our Pleasure, Observing, Nevertheless, and performing such Orders and Instructions as we, from p. 46

Lib. C. B. Time to Time, shall send to you Our Trusty and well beloved
 No. 20 Robert Eden; Provided also, that nothing herein before contained, shall be Deemed, Construed, or taken to extend, or give any Power or Authority to you, the said Robert Eden, to Do, suffer or Acquiesce in or agree unto any Thing by means or reason thereof we the said Lord Proprietary, or Our Heirs, may be Impeached, Hurt or Prejudiced in Our and their Royalties, Jurisdictions, Rights, Titles, Property, or Interest or to the contrary thereof in any wise Notwithstanding. And lastly We do, by these Presents Strictly Command and require all Persons, of what Degree and Condition soever, to pay ready and due Respect, Submission, and obedience to our said Trusty and well beloved Robert Eden, as they will Answer the Contrary at their Utmost Peril. Given at Baltimore House, Westminster, under Our Hand and Greater Seal at Arms, this first Day of August, in the Eighth year of the Reign of Our Sovereign Lord King George the Third, and in the Eighteenth Year of Our Dominion Annoque Domini One Thousand Seven hundred and Sixty Eight.

F. B.

[Great
 Seal
 at Arms]

Countersigned by His } Hugh Hamersley, Secretary.
 Lordship's Command }

On the back of the above Commission are the following Endorsements viz.

This is Inrolled in the Remembrances of the Exchequer, at Westminster, of Our Sovereign Lord King George the Third, of the Ninth Year of his Reign (to wit) among the Common Matters of Michaelmas Term. The Roll in the Custody of the King's Remembrancer.

Arbuthnot

These are to Certify that the within named Robert Eden Esq^r hath given Security in the Office of His Majesty's Remembrancer of his Exchequer, at Westminster, for the due Execution of his within mentioned Office Pursuant to a Warrant from the Right Honourable the Lords Commissioners of his Majesty's Treasury dated the 12th day of August 1768.

King's Remem^r Office

3^d of October 1768.

Geo. Arbuthnot.

The above Commission being Published and Read is Ordered to be Recorded in the Secretary's office.

His Excellency the Governor then took the several Oaths appointed to be taken by Act of Assembly of this Province, as also the following Oath. Lib. C. B.
No. 20

I Robert Eden do Swear that I will be true and faithful to the Right Honourable Frederick Lord Baron of Baltimore, the true and Absolute Lord and Proprietary of this Province of Maryland, and his Heirs, and him and them, and his and their Rights, Royal Jurisdictions, and Seigniories, all and every of them, into and over this his Province of Maryland, the Islands and Territories thereto belonging, I will, at all times, Defend and Maintain to the utmost of my Power, and will never accept any Place, Office, or Employment within the said Province, any ways concerning or relating to the Government thereof, from any Person or Authority but by from or under a Lawful Authority derived or to be derived from his said Lordship his Heirs and Assigns. I will faithfully serve his said Lordship as his Governor, or Commander in Chief of the said Province, and in all other Offices committed to my Charge by his said Lordship's Commission, or Commissions to me, and will willingly Yield up the said Commission or Commissions again, and all Offices Powers and Authorities Granted or to be granted by them or any of them into the Hands of his said Lordship, his Heirs or Assigns or to such Person or Persons as he or they shall appoint, whensoever he or they shall appoint me so to do, and shall signify the same unto me, and will not presume to put in Execution, or Attempt to Execute any Office Power or Authority granted unto me by any of the said Commissions after that his said Lordship or his Heirs or Assigns Lords and Proprietaries of the said Province shall repeal them respectively, and that the said Repeals be published in this Province; I will do equal Right to the Poor and to the Rich within this Province, to the best of my Skill Judgment and Power, according to the Laws and Ordinances of the said Province, and in Default thereof, according to my Conscience and best discretion, and to the Power Granted, or to be granted unto me by his said Lordship's Commission or Commissions, I will not, for fear favour or affection or any other Cause, hinder or delay Justice to any, but will truly Execute the said Office and Offices respectively, according to his said Lordship's Commission to me in that behalf, and to the true Intent and meaning thereof, and not otherwise to the best of my Understanding and Judgment. I will not know of any Attempt against his said Lordship's Person, or his Right or Dominion into or over the said Province, or the People therein, but I will prevent resist or oppose it to the utmost of my Power, and make the same known with all Convenient Speed P. 47

Lib. C. B. to his Lordship, and I will in all Things from Time to Time,
No. 20 as Occasion shall require, faithfully Counsel and Advise His
said Lordship according to my Heart and Conscience.
So help me God.

His Excellency was pleased to produce to this Board the following Certificate, which is Ordered to be Entered.

At the Council Chamber Whitehall the 22^d day of December
1768

Present

The Lords of His Majesty's Most Honourable Privy Council.

His Majesty having been pleased to declare his Royal Allowance and Approbation of Robert Eden Esq^r to be Lieutenant Governor of the Province of Maryland in America, according to the Nomination of the Lord Baltimore, Lord Proprietor of the said Province, He this day took the Oaths appointed to be taken instead of the Oaths of Allegiance, and Supremacy, and also the Oath required to be taken by the Governors of His Majesty's Plantations for putting in Execution the Acts of Trade and Navigation.

Steph: Cothell

The Honourable Horatio Sharpe Esq^r delivers to His Excellency the Great Seal of this Province and thereupon his Excellency the Governor takes the Oath of Chancellor in the following Words viz.

p. 48 I Robert Eden do swear, that, as Chancellor and Keeper of the Great Seal of this Province, I will well and truly serve his Lordship the Right Honourable the Lord Proprietary of this Province, and do equal Right to all his Majesty's Subjects to the best of my Understanding Skill and Knowledge; I shall not debar or hinder the Prosecution of Justice, nor take any Gift, Bribe, Reward, or Fee for the delaying thereof, but will behave myself justly and truly and hear and Judge Decree and Determine all Matters that shall regularly come before me for determination, according to Equity and good Conscience according to the Duties of my said Office, and according to the best of my Knowledge, during my Continuance in the said Office or until I shall be by Lawful Authority discharged therefrom.

So help me God.

All which said Oaths were Administered to His Excellency by the Members of his Lordship's Honourable Council now present.

After taking the several Oaths aforesaid, His Excellency Lib. C. B.
Subscribed the Oath of Abjuration and Test, according to the No. 20
Directions of the Act of Assembly aforesaid.

Advised Resolved and Ordered that a Proclamation be forthwith Issued for the Publication of His Excellency the Governor's Commission, and directing all Officers Civil and Military to continue in the Execution and discharge of their several Offices until his Excellency's pleasure shall be further known and Signified therein, which Proclamation being prepared is as follows:

Maryland ss:

By His Excellency Robert Eden Esq^r Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation

Whereas Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore, by his Commission under his Great Seal at Arms, bearing date at London the first day of August, Anno Domini Seventeen hundred and Sixty Eight, has, with the Approbation of his Most Sacred Majesty been pleased to Constitute and appoint me, the said Robert Eden Governor and Commander in Chief in and over this his Lordship's Province of Maryland, which Commission was this day Published in the presence and hearing of the Members of his Lordship's honourable Council, and others the King's Subjects his Lordship's Tenants in this Province, at the City of Annapolis, I have therefore, by and with the Advice of his Lordship's Council of State, thought fit to issue this my Proclamation, Notifying the same to all Sheriffs, Magistrates and others his Lordship's Officers in this Province, And I do further will and direct that all Officers, both Civil and Military, Execute and Discharge the several Trusts and Duties in them reposed and enjoined, by the present respective Commissions to them Granted until such time as my further Pleasure and Directions shall be signified therein, And I do hereby Strictly charge and require the several Sheriffs of this Province to make this my Proclamation Public in their respective Counties, in the Usual manner as they will Answer the Contrary at their Peril. Given at the City of Annapolis this Sixth day of June in the Ninth Year of the Reign of Our Sovereign Lord George the third of Great Britain &c. King, and in the 19th year of his Lordship's Dominion Anno Domini 1769.

Signed by order
U. Scott, Cl. Con.



PROCEEDINGS
OF THE
COUNCIL OF MARYLAND

FREDERICK CALVERT, LORD BALTIMORE,
Proprietary.

ROBERT EDEN, ESQ.,
Governor.

1769-1770.



At a Council held in the Council Chamber, on Monday the 12th day of June, in the Nineteenth Year of his Lordship's Dominion, Anno Domini 1769. Lib. C. B.
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Present

His Excellency Robert Eden Esq^r Governor.

Benedict Calvert Esq^r

Walter Dulany Esq^r

Daniel Dulany Esq^r

John Beale Bordley Esq^r

John Ridout Esq^r

George Steuart Esq^r

His Excellency is pleased to lay before this Board the following Instructions which were Ordered to be Entered

George R.

Orders and Instructions to Our Right Trusty and well beloved Frederick Lord Baltimore of Our Kingdom of Ireland, Lord Proprietary of Our Province of Maryland in America; in pursuance of several Laws relating to the Trade and Navigation of this Our Kingdom of Great Britain, and Our Colonies and Plantations in America. Given at Our Court at Saint James's the Thirtieth day of November 1768. In the Ninth Year of Our Reign.

First. You shall give Directions, and take especial Care, that Robert Eden Esquire, Lieutenant Governor of Our Province of Maryland in America, do, in the first place inform himself of the Principal Laws relating to the Plantation Trade, and take a Solemn Oath to do his Utmost, that all the Clauses Matters and Things contained in all Acts of Parliament now in Force or that hereafter shall be made, relating to Our Colonies or Plantations, be punctually and bona fide observed according to the true intent and meaning thereof.

2. And whereas by an Act made in the 7th and 8th years of King William the Third, intituled An Act for preventing Fraud and regulating Abuses in the Plantation "Trade" the Officers appointed for Performance of certain things mentioned in an Act passed in the 15th year of the Reign of King Charles the Second intituled, "An Act for the Encouragement of Trade," commonly known by the Name of the Naval Officers, are to give Security to the Commissioners of Our Customs in Great Britain for the time being or such as shall be appointed by them for Our Use, for the true and faithful Performance of their Duty, He, the said Robert Eden, shall

Lib. C. B. take Care, that the said Naval Officers do give such Security
No. 20 to the said Commissioners of Our Customs, or the Persons appointed by them, who are empowered to take the same in the manner thereby enjoined; And that he or they produce to the said Robert Eden a Certificate from them of his or their having given Security pursuant to a Clause in the said Act; And the said Robert Eden is not to admit any Person to Act as Naval Officer who does not within two Months, or as soon as Conveniently may be after he has entered upon the Execution of his Office produce a Certificate of his having given such Security as aforesaid.

3. And whereas it is necessary for the more effectual dispatch of Merchants, and others, that the Naval Officers and the Collectors should reside at the same Ports or Towns, the said Robert Eden is therefore to Care, that this Regulation be observed.

p. 50 4th Whereas by the Act for the Encouraging and encreasing of Shipping and Navigation passed in the 12th Year of the Reign of King Charles the Second, no Goods or Commodities whatsoever are to be imported into or exported out of any of Our Colonies or Plantations in any other Ships or Vessells whatsoever but in such as do truly and without Fraud belong only to Our People of Great Britain, or Ireland or are of the Build of, or belonging to any of Our Lands, Islands, or Territories, as the Proprietors and Right Owners thereof, and whereof the Master and three fourths of the Mariners at least are British, under the Penalty of the Forfeiture and Loss of all the Goods and Commodities, which shall be imported into, or exported out of any of the said Places in any other Ship or Vessel, with her Guns, Furniture &c. And Whereas by a Clause in the Act for preventing Fraud and regulating Abuses in the Customs, passed in the 13th and 14th years of the Reign of King Charles the Second, no Foreign built Ship, that is to say not built in any of Our Dominions of Asia, Africa or America shall enjoy the Privilege of a Ship belonging to Great Britain or Ireland altho' Owned and Manned by British Subjects (except such Ships only as shall be taken at Sea by Letters of Marque or Reprizal, and Condemnation thereof made in Our Court of Admiralty as lawful Prize) but all such Ships shall be deemed as Aliens' Ships, and be liable to all Duties that Aliens' Ships are liable to by Virtue of the said Act for the Encouraging and Encreasing of Shipping and Navigation. And whereas by a Clause in the Act for the preventing Frauds and regulating Abuses in the Plantation Trade it is Enacted that no Goods or Merchandizes whatsoever shall be imported into or exported out of any of Our Colonies

or Plantations in Asia, Africa or America, or shall be laden in or carried from any one Port or Place in the said Colonies or Plantations to any other Port or Place in the same or to Our Kingdom of Great Britain in any Ship or Bottom, but what is or shall be of the Build of Great Britain, or Ireland, or of the said Colonies, or Plantations, and wholly Owned by the People thereof, or any of them and Navigated with the Master and three fourths of the Mariners of the said Places only, except such Ships only as shall be taken Prize and Condemnation thereof in One of the Courts of Admiralty in Great Britain Ireland or the said Plantations, to be Navigated by the Master and three fourths of the Mariners British or of the said Plantations as aforesaid and whereof the Property doth belong to British Subjects, on Pain of Forfeiture of Ships and Goods, And Whereas by another Clause in the said Act for the more effectual Prevention of Frauds which may be Used by colouring Foreign Ships under British Names, it is further Enacted that no Ship or Vessel whatsoever shall be deemed or Pass as a Ship of the Build of Great Britain, Ireland, Guernsey Jersey or any of Our Plantations in America so as to be Qualified to Trade to from or in any of the said Plantations until the Person or Persons claiming Property in such Ship or Vessel shall Register the same in manner thereby appointed. You and he the said Robert Eden shall take care, and give in Charge that these Matters and Things be duly observed within Our said Province of Maryland according to the True Intent and meaning of the said Acts, and the Offences and Offenders prosecuted according to the directions thereof, and where it is required, that the Master and three fourths of the Mariners be British, You and he the said Robert Eden, are to Understand, that the true Intent and Meaning thereof is that they shall be such during the whole Voyage, unless in Case of Sickness, Death or being taken Prisoners in the Voyage to be proved by the Oath of the Master or other Chief Officer of the Ship, and none but Our Subjects of Great Britain Ireland or the Plantations are to be accounted British.

5th Whereas by the said Act of Navigation as the same stands amended and altered by the aforesaid Act for Regulating the Plantation Trade it is enacted that for every Ship or Vessel that shall set Sail out of, or from Great Britain for any British Plantation in America Asia or Africa sufficient Bond shall be given with one Surety to the Chief Officer of the Customs of such Port or Place from whence the said Ship shall set sail, to the Value of One Thousand Pounds, if the Ship be of less Burthen than One hundred Tons, and of the Sum of Two Thousand Pounds if the Ship shall be of greater

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Lib. C. B. Burthen; That in Case the said Ship or Vessel shall load any
 No. 20 of the Commodities therein enumerated, Viz. Sugar Tobacco,
 Cotton, Wool, Indico, Ginger, Fustick, or other Dying-Wood,
 of the Growth Production, or Manufacture of any British
 Plantation in America, Asia or Africa, at any of the said
 British Plantations, the said Commodities shall by the said
 Ship be brought to some Port of Great Britain, and be there
 unloaden and put on Shore, the Dangers of the Seas only
 excepted and for all Ships coming from any Port or Place to
 any of the Plantations which by this Act are permitted to
 trade there, that the Governors of such British Plantations
 shall, before the said Ship or Vessel be permitted to Load on
 Board any of the said Commodities, take Bond in manner and
 to the Value aforesaid for each respective Ship or Vessel, that
 such Ship or Vessel shall carry all the aforesaid Goods, that
 shall be loaden on Board the said Ship or Vessel to some other
 of the said British Plantations or to great Britain; And that
 every Ship or Vessel which shall load or take on Board any of
 the aforesaid Goods until such Bond be given to the said
 Governor or Certificate produced from the Officers of any
 Custom House of Great Britain, that such Bond hath been
 there duly given shall be Forfeited with her Guns, Tackle,
 Apparel, and Furniture, to be employed and recovered as
 therein is directed; And Whereas by two Acts passed in the
 Third and Fourth Years of the Reign of Queen Ann, the one
 intituled "An Act for encouraging the Importation of Naval
 Stores from her Majesty's Plantations in America" and the
 other intituled "An Act for granting to her Majesty a further
 Subsidy on Wines and Merchandizes imported" and two other
 Acts passed in the Eighth Year of King George the First
 Entituled An Act for Encouragement of the Silk Manufac-
 tures of this Kingdom, and for taking off several Duties on
 Merchandizes exported, and for reducing the Duties upon
 Beaver Skins, Pepper, Mace Cloves and Nutmegs imported
 and for Importation of all Furrs of the Product of the British
 Plantations into this Kingdom only The other intituled An
 Act to prevent the Clandestine runing of Goods &c^a and to
 subject Copper Ore of the Production of the British Planta-
 tions to such Regulations as other Enumerated Commodities
 of the like Production are Subject, continued by an Act passed
 in the Eighth Year of his late Majesty's Reign, and still in
 p. 52 force; All Rice (except under the Regulations prescribed in
 the Acts of the 3^d year of his late Majesty's Reign and the 4th
 and 5th years of Our Reign) Molasses, Furs, Hemp, Pitch
 Tarr, Turpentine Masts yards, Bowsprits, Furs and Copper
 Ore, and by an Act passed in the 4th Year of Our Reign all

Coffee Pimento Cocoa-Nuts Whale Fins, Raw Silk, Hides and
Skins, Pot and Pearl Ashes of the Growth Production or
Manufacture of any British Colony or Plantation are under
the like Securities and Penalties restrained to be imported into
this Kingdom as the other abovementioned enumerated Com-
modities.

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And Whereas by an Act passed in the 5th year of Our
Reign intituled An Act for the more effectually preventing the
Mischiefs arising to the Revenue and Commerce of Great
Britain and Ireland from the illicit and Clandestine Trade to
and from the Isle of Man No Rum or other Spirits shall be
Shipped or Laden in any British Colony or Plantation in
America, but on Condition, that the same shall not be Carried
to or Landed in the Isle of Man, under the like Securities,
Penalties and Forfeitures.

And Whereas by another Act made in the Sixth year of
Our Reign intituled An Act for opening and establishing cer-
tain Ports in the Islands of Jamaica and Dominica for the
more free Importation and Exportation of certain Goods and
Merchandizes, and for granting certain Duties to defray the
Expences of opening maintaining and improving such Ports,
for ascertaining the Duties to be paid upon the Importation of
Goods from the said Island of Dominica into this Kingdom
and for securing the Duties upon Goods Imported from the
said Island into any other British Colony. All Wool Cotton
Wool, Indico, Cochineal, Fustick, and all manner of Dying
Drugs or Woods, Drugs used in Medicine, Hair, Furs, Hides
and Skins, Pot and Pearl Ashes, Whale Fins, and Raw Silk
of the Growth and Produce of any foreign Colony or Planta-
tion shall upon the Exportation thereof from either of the
said Islands of Dominica or Jamaica be imported from thence
directly into Great Britain under the like Securities Penalties
and Forfeitures And by the said Act of the Sixth Year of Our
Reign no Goods whatever shall or may be exported from the
said Island of Dominica to any Port of Europe to the North-
ward of Cape Finisterre, except to Great Britain and such
Goods shall be there landed under the same Securities Regu-
lations and Restrictions, and Subject to the like Penalties and
Forfeitures, you and he the said Robert Eden, are therefore
to take particular care, and give the necessary Directions, that
the true Intent and meaning of all the said Acts be Strictly and
duly Complied with.

6th He the said Robert Eden, shall carefully Examine all
Certificates which shall be brought to him of Ships giving Se-
curity in this Kingdom, to bring their Ladings of Plantation
Goods hither, as also Certificates of having discharged their

- Lib. C. B. Ladings of Plantation Goods in this Kingdom pursuant to
 No. 20 their Securities; And Whereas the better to prevent any of the
 aforesaid Certificates from being Counterfeited, the Commis-
 sioners of our Customs have thought fit to Sign the same, It is
 therefore Our Will and Pleasure, that no such Certificates be
 allowed of unless the same be under the Hands and Seals of
 the Customer, Comptroller and Collector of the Customs in
 p. 53 some Port in this Kingdom, or two of them, as also under the
 Hands of four of Our Commissioners of the Customs at
 London, or three of Our Commissioners of the Customs at
 Edinburgh; and where there shall be reasonable ground of
 Suspicion, that the Certificate of having given Security in this
 Kingdom is false and Counterfeit, in such Case he or the
 Person or Persons appointed under him shall require and take
 Sufficient Security for the discharge of the Plantation Lad-
 ing in this Kingdom: And where there shall be Cause to Sus-
 pect, that the Certificate of having discharged the Lading of
 Plantation Goods in this Kingdom is false and Counterfeit,
 he shall not Cancel or Vacate the Security given in the Plan-
 tations until he shall be informed from the Commissioners of
 Our Customs, in Great Britain that the matter of the said
 Certificate is true; and if any Person or Persons shall Counter-
 feit, Raze, or Falsify any such Certificate for any Vessel or
 Goods, or shall knowingly or wittingly make use thereof, he
 shall Prosecute such Person for the Forfeiture of the Sum of
 Five hundred Pounds, according to a Clause of the aforesaid
 Act for preventing Frauds and regulating Abuses in the Plan-
 tation Trade, and pursuant to the said Act, he shall take care
 that in all such Bonds to be hereafter given or taken in Our
 said Province of Maryland, the Sureties therein named be
 Persons of known Residence and Ability there for the Value
 mentioned in the said Bonds, And that the Conditions of the
 said Bonds be within Eighteen Months after the Date thereof
 (the Danger of the Sea excepted) to produce a Certificate of
 having Landed and discharged the Goods therein mentioned
 in One of Our Plantations, or in this Kingdom, otherwise to
 Attest the Copy of such Bonds under his Hand and Seal and
 to Cause Prosecution thereof; and it is Our further Will and
 Pleasure that he do give directions to the Naval Officer or
 Officers not to Admit any Person to be Security for another,
 who has Bonds standing out and undischarged, unless he be
 esteemed responsible for more than the Value of such Bonds.
7. And the said Robert Eden is also to give directions to the
 said Naval Officer or Officers to Advise with the Collector
 of the Port or District in taking Bonds and not to Admit any
 Person to be Security on any Plantation Bond, until approved

by the said Collector; And whereas Lists of all Certificates granted in South Britain for the discharge of Bonds given in the Plantations are every Quarter sent to the Collectors of the districts where such Bonds are given, the said Naval Officer or Officers is or are to take Care, that no Bond be discharged or cancelled by him or them, without first Advising with the Collector and Examining the said Lists, to see that the Certificate is not forged or Counterfeited; And Whereas the Principal Officers of Our Customs in America are directed to examine from time to time, whether the Plantation Bonds be duly and regularly discharged, the said Robert Eden is to give directions that the said Officers be permitted to have recourse to the said Bonds as well as the Book or Books in which they are or ought to be Entered, and to Examine, as well whether due Entry thereof be made, as whether they are Regularly taken and Discharged, and where it shall appear that Bonds are not regularly discharged, the said Robert Eden is to Order that such Bonds be put in Suit.

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No. 20

8. He, the said Robert Eden, is to understand, that the Payment of the Rates and Duties imposed by an Act intituled An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade, passed in the 25th Year of the Reign of King Charles the Second, on the several Plantation Commodities therein enumerated, doth not give Liberty to carry the said Goods to any other Place, than to some of Our Plantations, or to Great Britain only and that, notwithstanding the Payment of the said Duties, Bond must be given to carry the said Goods to some of the said Plantations or to Great Britain and to no other Place.

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9. He shall every three Months or oftener, or otherwise as there shall be opportunity of Conveyance, transmit to the Commissioners of Our Treasury, or Our High Treasurer for the time being, and to the Commissioners of Our Customs in London, a List of all Ships and Vessels trading in the said Province of Maryland according to the form or Specimen hereunto annexed, together with a List of the Bonds taken pursuant to the Act passed in the 22^d and 23^d years of King Charles the Second's Reign intituled "An Act to prevent planting Tobacco in England and for Regulating the Plantation Trade" and he shall Cause Demand to be made of every Master at his Clearing of an Invoice of the Contents and Quality of his Lading &c. according to the form hereunto also annexed and inclose a Copy thereof by some other Ship, or for want of such Opportunity by the same Ship under Cover Sealed and Directed to the Commissioners of Our Treasury, or Our High Treasurer for the time being, and to

Lib. C. B. the Commissioners of Our Customs in London and send another Copy of the said Invoice in like manner to the Collector of that Port in this Kingdom for the time being, to which such Ship shall be said to be bound.

No. 20

10. Whereas by the aforesaid Act for the Encouragement of Trade, no Commodities of the Growth Production or Manufacture of Europe, Except Salt for the Fishery of New England and Newfoundland, Wines of the Growth of the Madeiras or Western Islands or Azores, Servants and Horses from Ireland, and all Sorts of Victuals of the Growth and production of Ireland, and Salt to the Provinces of Pennsylvania, New York, Nova Scotia, and Quebec, in pursuance of five Acts passed in the 13th Year of the Reign of King George the First, in the third year of his late Majesty's Reign, and in the second fourth and sixth years of Our Reign, shall be imported into any of Our Colonies or Plantations, but what shall be bona fide and without Fraud laden and Shipped in Great Britain and in Ships duly Qualified. He shall in his utmost endeavour for the due Observance thereof; and if, contrary hereunto, any Ship or Vessel shall import into Our said Province of Maryland any Commodities of the Growth Production or Manufacture of Europe, (but what are before excepted) of which due Proof shall not be made, that the same were Shipped and Laden in some Port of Great Britain, by producing Cocquets or Certificates under the Hands and Seals of the officers of Our Customs in such Port or Place where the same were Laden, such Ship or Vessel, and Goods shall be forfeited, and he is to give in Charge, that the same be seized and Prosecuted accordingly.

11. And in order to prevent the Acceptance of forged Cocquets or Certificates, which hath been practiced to Our great Prejudice he is to give effectual Orders that for all such European Goods as by the said Act are to be Shipped and Laden in Great Britain, Cocquets for the same be from hence produced to the Collectors or other Officers of Our Customs within Our said Province of Maryland for the time being, before the unlading thereof; And he shall give Orders that no European Goods be Landed but by Warrant from the said Collector, in the presence of an Officer appointed by him. And for the better prevention of Frauds of this kind, he the said Robert Eden shall take care that according to the said Act of Trade no Ship or Vessel shall be permitted to lade or unlade any Goods or Commodities whatsoever, until the Master or Commander thereof shall first have made known to him or such Officer or other Person, as shall be thereunto Authorized and appointed, the Arrival of the said Ship or Vessel with

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her Name, and the Name and Surname of her Master, and hath shewn, that she is a Ship duly Navigated and otherwise Qualified according to Law, and hath delivered to him or such other Person as aforesaid, a True and perfect Inventory of her Lading, together with the Place or Places in which the said Goods were laden and taken into the said Ship or Vessel, under Forfeiture of such Ship and Goods.

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12. He shall not make or allow of any Laws, By Laws, Usages, or Customs in our said Province of Maryland which are repugnant to the Laws hereinbefore mentioned or any of them, or to any other Law already made or hereafter to be made in this Kingdom so far as such Laws relate to and mention the said Plantations; but he shall declare all such Laws, By Laws, Usages or Customs in Our said Province of Maryland, which are any wise Repugnant to the said Laws or any of them to be illegal null and void to all Intents and Purposes whatsoever.

13. He shall be aiding and assisting to the Collectors and other Officers of Our Admiralty and Customs, appointed or that shall hereafter be appointed by the Commissioners of Our Customs in this Kingdom by and under the Authority and direction of the Commissioners of Our Treasury or Our high Treasurer of Great Britain for the time being, or by Our High Admiral or Commissioners for Executing the Office of High Admiral of Great Britain for the time being in putting in Execution the several Acts of Parliament before mentioned and he shall cause due Prosecution of all such Persons as shall any ways hinder or resist any of the said Officers of Our Admiralty or Customs in the Performance of their Duty. It is likewise Our Will and Pleasure, and he is hereby required by the first Opportunity to move the Assembly of Our said Province, that they provide for the Expence of making Copies for the Principal Officers of Our Customs in Our said Province for the time being of all Acts and Papers which bear any relation to the Duty of their Office, and in the mean time you are to give Orders that the said Officers for the time being, as aforesaid be allowed a free Inspection in the Publick Offices within Our said Province of all such Acts and Papers without paying any fee or reward for the same.

14. He shall take care, that upon any Actions, Suits and Informations that shall be brought, commenced or entered in Our said Province of Maryland upon any Law or Statute concerning Our Duties, or Ships, or Goods to be forfeited by Reason of any unlawful Importations or Exportations, there be not a Jury, but of such as are Natives of Great Britain, or Ireland, or are born in any of Our said Plantations.

Lib. C. B. 15. Whereas the Commissioners appointed for Collecting
 No. 20 the Sixpence p Month for Seamen's Wages for Our Royal
 Hospital at Greenwich, pursuant to an Act of Parliament
 p. 56 Passed in the second year of his late Majesty's Reign intituled
 "An Act for the more effectual Collecting in Great Britain
 and Ireland, and other parts of his Majesty's Dominions the
 Duties granted for the Support of the Royal Hospital at
 Greenwich" have given Instructions to their Receivers in For-
 eign ports for their Government therein; It is therefore
 Our Will and Pleasure that he be aiding and Assisting to the
 said Receivers in Our aforesaid Province of Maryland in the
 due Execution of their Trusts.

16. And Whereas by an Act passed in the Sixth Year of his
 late Majesty's Reign, intituled, "An Act for the better secur-
 ing and encouraging the Trade of his Majesty's Sugar Col-
 onies in America," and by another Act passed in the 4th Year of
 Our Reign intituled, "An Act for granting certain Duties in
 the British Colonies and Plantations in America" &c. Duties
 are laid on all Sugar Paneles and several other Species of
 Goods therein Enumerated of the Produce and Manufacture
 of any of the Plantations not in Our Dominion which shall be
 imported in any of Our Colonies or Plantations; Notwith-
 standing which, We are informed that great Quantities of
 Foreign Sugar Paneles and other Goods mentioned in the
 aforesaid Acts are Clandestinely Landed in Our Plantations
 without Payment of the said Duties Our Will and Pleasure
 is that he be aiding and assisting to the Collectors and other
 Officers of Our Customs in Your Government in Collecting
 the said Duties and Seizing all such Goods as shall be so
 Clandestinely Landed or put on Shore without Payment of the
 Duties; and he shall Cause due Prosecution of all such Sugar
 Paneles and other Goods as shall be seized for Non-Payment
 of the Duties as well as the Persons aiding or assisting in such
 unlawful Importations, or that shall hinder resist or molest
 the Officers in the due Execution of the said Laws; And you
 are to observe that Our share of all Penalties and Forfeitures
 so recovered is pursuant to the said Act made in the fourth
 year of Our Reign to be paid into the Hands of Our Collector
 of the Customs at the Port or Place where the same shall be
 Recovered for Our Use.

17. He shall take care, that in all Places of Trust in the
 Courts of Law, or in what relates to the Treasury of Our said
 Province of Maryland, be in the Hands of Our Native-born
 Subjects of Great Britain or Ireland, or the Plantations.

18. He shall from time to time Correspond with the Com-
 missioners of Our Customs in London for the time being, and

Advise them of all Failures, Neglects, Frauds and Misdemeanours of any of the Officers of Our Customs in Our said Province of Maryland and shall also advise them as Occasion shall Offer, of all Occurrences Necessary for their Information, relating either to the aforesaid Laws of Trade and Navigation, or to Our Revenue of Customs and other Duties under their Management both in Great Britain and the Plantations.

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19. If he shall discover, that any Persons or their Assigns, claiming any Right or Property in any Island or Tract of Land in America, by Charter or by Letters Patent shall at any time hereafter alien sell or dispose of such Island Tract of Land or Propriety Other than to Our Natural born Subjects of Great Britain, without the Licence or Consent of us, Our Heirs or Successors, Signified by Our or their Order in Council first had and obtained, he shall give Notice thereof to us and to the Commissioners of Our Treasury or Our high Treasurer of Great Britain for the time being.

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20. Whereas by the aforesaid Act for preventing Frauds and Regulating Abuses in the Plantation Trade; it is provided for the more effectual prevention of Frauds which may be used to elude the Intention of the said Act by Colouring Foreign Ships under British Names; That no Ship or Vessel shall be Deemed or pass as a Ship of the Build of Great Britain, or Ireland, Guernsey, Jersey, or any of Our Plantations in America so as to be Qualified to Trade, to from or in any of Our said Plantations until the Person or Persons claiming Property in such Ship or Vessel shall Register the same in manner thereby directed; He shall take care, that no foreign Built Ship be permitted to pass as a Ship belonging to the Kingdom of Great Britain, or Ireland, until Proof be made upon Oath of One or more of the Owners of the said Ship before the Collector or Comptroller of Our Customs in such Port to which she belongs, or upon like Proof before himself with the Principal Officer of Our Revenue Residing in Our aforesaid Province of Maryland if such Ship shall belong to the said Province; which Oath he and the Officers of Our Customs respectively are Authorized to Administer in Manner thereby directed; and being attested by him and then so Administering the same and registred in due form according to the Specimen hereunto annexed he shall not fail immediately to transmit a Duplicate thereof to the Commissioners of Our Customs in London, in Order to be Entered in a General Register to be there kept for that Purpose, with Penalty upon every Ship or Vessel trading to from, or in any of Our said Plantations in America, as aforesaid and not having made Proof of her Build

Lib. C. B. and Property as by the aforementioned Act is directed, that
 No. 20 she shall be liable to such Prosecution, and Forfeiture, as any Foreign Ships (except Prizes Condemned in Our high Court of Admiralty) would for trading with Our Plantations by the said Law be liable unto; with this Proviso, that all such Ships as have been or shall be taken at Sea by Letters of Marque or Reprisal, and Condemnation thereof made in Our High Court of Admiralty as Lawful Prize shall be specially Registered, mentioning the Capture and Condemnation instead of the time and place of Building, with Proof also upon Oath, that the entire Property is British, before any such Prize be allowed the Privilege of a British built Ship according to the meaning of the said Act, And that no Ship's Name Registered be afterwards changed without Registering such Ship de novo, which by the said Act is required to be done upon any transfer of Property to another Port, and delivering up the former Certificate to be Cancelled, under the same Penalties and in the like Method; And in Case of any Alteration of Property in the same Port by the Sale of One or more Shares in any Ship after Registering thereof, such Sale shall always be acknowledged by Endorsement on the Certificate of Register before two Witnesses in order to prove, that the entire Property in such Ship remains to some of Our Subjects of Great Britain, if any Dispute shall arise concerning the same.

21. Whereas by the Act passed in the tenth Year of the Reign of King William the Third, to prevent the Exportation of Wool out of the Kingdoms of England and Ireland into Foreign parts And for the Encouragement of the Woollen
 p. 58 Manufactures in the Kingdom of England, It is amongst other things therein enacted that no Wool, Woolfels, Shortlings, Mortlings, Woolflocks, Worsted Bays, Kerseys, Says, Frizes, Druggets, Cloth-Serges, Shalloons or any other Drapery, stuffs, or Woollen Manufactures whatsoever, made or mixed with Wool or Woolflocks, being of the Product or Manufacture of any of the British Plantations in America, shall be laden or laid on Board in any Ship or Vessel in any Place or Port within any of the said British Plantations upon any pretence whatsoever, And also that no such Wool or other the said Commodities being of the Product or Manufacture of any of the said British Plantations, shall be Loaden upon any Horse, Cart or other Carriage, to the Intent and Purpose to be exported transported, carried or Conveyed out of the s^d British Plantations to any other of Our Plantations, or to any other place whatsoever upon the same and like Pains Penalties, and Forfeitures to and upon all the Offender and Offenders therein within all and every of Our said British

Plantations respectively as are provided and Prescribed by the said Act for the like Offences Committed within Our Kingdom of Ireland; He the said Robert Eden shall take effectual care that the true Intent and meaning thereof, so far forth as it relates to him be duly put in Execution. Lib. C. B.
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22. In the Act made in the 24th Year of his late Majesty's Reign for the more effectual securing the Duties on Tobacco, there is a Clause to prevent Frauds in the Importation of Bulk Tobacco, enacting that no Tobacco shall be imported into this Kingdom otherwise than in Cask Chest or Case containing four hundred and fifty Pounds weight of Tobacco each, under Penalty of Forfeiture thereof; He the said Robert Eden shall take care that this part of the said Act be made Publick that none may pretend Ignorance, and that the true Intent and meaning thereof be duly put in Execution in that Government.

23. Whereas the Officers of Our Customs in the Prosecution of Seizures and personal Informations in Our Plantations have been greatly discouraged therein, and denyed the Liberty of Appealing to Us and Our Council here in this Kingdom he the said Robert Eden shall allow the said Officers the Priviledge of such Appeals, in Order to a final hearing and Determination according to the Merits of the Case.

24. Whereas by a Clause in the aforesaid Act for preventing Frauds and Regulating Abuses in the Plantation Trade, made in the 7th and 8th years of the Reign of King William the Third, it is Provided that in case any Officer or Officers in our Plantations shall be sued or molested for any thing done in the Execution of their Office, the said Officer shall and may plead the general Issue, and give this or any other Custom Acts in Evidence, and the Judge to allow thereof, and shall have and enjoy the like Priviledges and Advantages as are allowed by Law to the Officers of Our Customs in Great Britain, he the said Robert Eden shall take care, that the Judge of the Court within his Government do accordingly Admit Our Officers of the Customs there to plead the General Issue for their Indemnity, in all Cases where they shall be molested, sued, or Prosecuted for any thing done in the Execution of their Offices.

25th And whereas it has been found, that the fees of the Courts of Record and other Special Courts granted by Our Governments in the Plantations for the Tryal of Causes relating to Our Customs and the Trade of Our Plantations are so great that Our said Officers have been thereby discouraged from many just Prosecutions for the Breach of Our Laws; he the said Robert Eden shall in like manner take particular care for the regulating and Moderating such Court Fees and p. 59

Lib. C. B. Charges, and be assisting to Our said Officers in their Seizures, Informations and Tryals as well as in the Just discharge of any other part of their Duty.

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26. And whereas several Complaints have been made by the Officers of Our Customs in Our Plantations in America that they are frequently obliged to serve on Juries and personally to appear in Arms whenever the Militia is drawn out, and thereby are much hindered in the Execution of their Employment Our Will and Pleasure is, that he the said Robert Eden take effectual care, and give the necessary directions that the several Officers of Our Customs be excused and exempted from serving on any Juries or personally appearing in Arms in the Militia, unless in Cases of Absolute Necessity, or serving on any Parochial Offices which may hinder them in the Execution of their Duty.

27. And whereas upon Appeals which have been made to us in Our Privy Council in Cases of Error from the Courts in several of Our Colonies and Plantations in America in Civil Causes great inconveniencies have frequently arisen by the immediate issuing of Executions notwithstanding such Appeal unto us, where the Appellee hath become Insolvent, or hath withdrawn himself, or his effects from such Colony, or Plantation before Our Pleasure could be known on such Appeal, and Our Orders for reversing the Orders and Decrees appealed from and for making restitution of the Estates or Effects, which have been so levied in Execution, have been rendered ineffectual, and the Appellant left without any redress; Now for the preventing that like mischief for the future it is Our Will and Pleasure that Execution be Suspended, until the final determination of such Appeal, unless good and Sufficient Security be given by the Appellee to make ample Restitution of all that the appellant shall have lost by means of such Judgment or Decree, in case upon the Determination of such Appeal such, Judgment or Decree should be reversed and Restitution awarded to the Appellant.

28. And Whereas by the Act passed in the Twenty first Year of his late Majesty's Reign for encouraging the making of Indico in the British Plantations in America, as the same Stands continued and amended by an Act passed in the third year of Our Reign, a Premium of four pence per pound is allowed on the Importation of Indico of the Growth of the British Plantations and there are likewise contained in the said Act several Provisions to prevent Frauds by importing foreign Plantation made Indico, or any false Mixtures in what is made in the British Plantations, with a view to Re-

cover the said Premium; it is therefore Our Will and Pleasure, that, if there now are or hereafter shall be any Plantations of Indico, within Our said Province of Maryland, the said Robert Eden, do take particular care, that the said Provisions be truly and punctually complied with and do likewise from time to time transmit to Us by one of Our Principal Secretaries of State an Account of all such Plantations of Indico, with the Names of the Planters, and the Quantity of Indico they make, as also the Quantity of such Indico exported from said Province distinguishing the time when exported, and the Port where Shipped, the Names of the Vessels and the Ports to which bound; and if there be any Foreign Indico imported into the said Province, it is Our further Will and Pleasure that the said Robert Eden do in like manner transmit an Account of such foreign Indico imported distinguishing the Quantity, the time when and the place from whence imported, together with an Account of such Foreign Indico exported distinguishing the time when exported, and the Port where Shipped, the Names of the Vessels, and the Ports to which bound.

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29. And whereas his Majesty King George the First was informed that a clandestine trade had been carried on as well by British as foreign Ships from Madagascar and other parts beyond the Cape of Bona Esperanza, within the Limits of trade granted to the United East India Company, directly to Our Plantations in America to the Great detriment of these Realms and in Breach of the several Laws in force, relating to Trade and Navigation, Our Will and Pleasure is that the said Robert Eden, or in his Absence the Commander in Chief of Our said Province for the time being do duly and Strictly observe and cause to be observed the several good Laws and Statutes now in force for the regulating of Trade and Navigation, particularly the several Acts of Parliament already mentioned in these Instructions: and in order to the better Execution of the Laws and Statutes above mentioned upon the first Notice of the arrival of any Ship or Ships within the Limits of any part of or belonging to Our said Province of Maryland which have or are suspected to have on board any Negroes Goods or Commodities of the Growth produce or manufacture of the East Indies, Madagascar, or any other parts or places beyond the Cape of Bona Esperanza, within the Limits of Trade granted to the United East India Company, pursuant to the Act of the Ninth and Tenth of King William, he the said Robert Eden, shall immediately cause the Officers of Our Customs in his Government (and any other Officers or Persons in aid of them) to go on board

Lib. C. B. such Ship or Ships, and to visit the same and to Examine the
 No. 20 Masters or other Commanders the Officers, and Sailors on
 board such Ship or Ships, and their Charter Parties, Invoices
 Cocquets and other Credentials, Testimonials or Documents;
 and if they find, that such Ship or Ships came from the East
 Indies, Madagascar, or any other parts or places beyond the
 Cape of Bona Esperanza, within the Limits of Trade granted
 to the said United East India Company and that there are
 now on board, any such Goods, Commodities, or Negroes
 as is abovementioned, that they do give Notice to the Master
 or other Person having then the Command of such Ship or
 Ships forthwith to depart out of the Limits of his Govern-
 ment, without giving them any Relief, Support, Aid or As-
 sistance, although it should be pretended, that such Ship or
 Ships were or the same really should be in distress, want,
 disability, danger of sinking or for or upon any other reason
 or pretence whatsoever; and that he do by no means suffer
 any Goods Merchandize, or Negroes from on board such
 Ship to be landed or brought on Shore upon any Account or
 Excuse whatsoever; and it is Our further Will and Pleasure
 that if any such Ship or Ships being foreign, having on board
 p. 61 any such Goods Merchandize, or Negroes, do not, upon Notice
 given to the Master or other Person having the Command
 thereof, as soon as Conveniently may be depart out of the
 Limits of his Government and from the Coasts thereof with-
 out Landing, selling, or bartering any of the said Goods or
 Negroes, he or the Commander in Chief for the time being
 shall cause the said Ship or Ships Goods and Negroes to be
 seized and proceeded against according to Law, but if such
 Ship or Ships having such Goods and Negroes on Board and
 entering into any Port or Place, or coming upon any of the
 Coasts or Shores of Our said Province under his Government,
 do belong to Our Subjects, and do break bulk, or sell, barter
 or Exchange, or otherwise dispose of the said Goods, or
 Negroes or any part thereof contrary to Law, he is to take
 care that such Ship or Ships, with the Guns, Tackle, Apparel
 and Furniture thereof, and all Goods and Merchandizes
 loaden thereupon, and the Proceeds and Effects of the same
 be immediately Seized, and that the Laws in such Case made
 and Provided be put in Execution with the greatest care dili-
 gence and application. But if any Ship belonging to the Sub-
 jects of any foreign State or Potentate, having on board any
 Negroes or East India Commodities shall be actually bound to
 some place or port in the West Indies belonging to any foreign

Prince or State from any European Port, and such Ship shall happen to be driven in by necessity and be in real distress, the same may be supplied with what is absolutely necessary for her Relief; but he shall not take, have or receive nor permit or suffer any Person to take have or receive, any Negroes or other the said East India Commodities in Payment or Satisfaction for such Relief. That if any Officer of Our Customs or other Officer employed by him or by the Commander in Chief for the time being, in visiting searching or seizing such Ships Goods Merchandize, or Negroes, be corrupt, negligent or remiss in the discharge of his Duty therein We do hereby require him to Suspend him from the Execution of his said Office, and that he do by the first Opportunity send an Account of such Officer's behaviour to Us, by one of Our Principal Secretaries of State, that care may be taken, that such Officer be removed from his employment, and further Punished according to his demerit. And Our further Will and Pleasure is, that he, the said Robert Eden, do constantly from time to time, and by the first Opportunity that shall offer send to us by One of Our Principal Secretaries of State, true full and exact Accounts of his Proceedings, and of all other Transactions and occurrences in or about the Premises or any of them.

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30. And Whereas, notwithstanding the many Good Laws made from time to time for preventing of frauds in the Plantation Trade, it is manifest that very great abuses have been and still continues to be practiced to the prejudice of the same, which abuses must needs arise either from the insolvency of Persons who are accepted for Security, or from the remissness or connivance of such as have been or are Governors in the several Plantations who ought to take care that those Persons, who give Bond should be duly prosecuted in case of Non performance; You are to take Notice, that We take the good of Our Plantations and the Improvement of the Trade thereof by a Strict and punctual observance of the several Laws in force concerning the same to be of so great Importance to the benefit of this Kingdom and to the advancing the Duty of Our Customs here, that if we shall hereafter be informed, that at any time there shall be any failure in the due observance of those Laws and of these present Instructions, given you for the better guidance of the aforesaid Robert Eden, by any wilful fault or Neglect on your or his part, We shall esteem such neglect to be a breach of the aforesaid Laws, tending to the forfeiture of the Letters Patent granted by

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Lib. C. B. Our Royal Ancestors for the Government of that Province,
 No. 20 as likewise of the Bond entered into by the said Robert Eden
 to Us for that purpose, and that he and all others in Our said
 Province of Maryland concerned therein shall suffer such
 fines forfeitures, pains and Penalties, as are inflicted by the
 several Laws now in force or hereafter to be made in this
 Kingdom relating thereto, and receive the most Rigorous
 marks of Our highest Displeasure, and be prosecuted with
 the utmost severity of Law.

G. R.

p. 63 Maryland { A List of Ships and Vessels which have entered in
 the Port of in the Province of between
 the Day of and the Day of
 following being the Quarter ended at with
 the particular Quantity and Quality of the Load-
 ing of each Vessel

Time of entry	Ships name	Masters name	Built	Number of			Where and when built	Where and when reg- istered	Owners names
				Tons	Guns	Men			

General cargoe	Whither bound	Where and when bond given	
N. B. The particular Quantity and Denomination of Goods frequently imported must be mentioned in Col- umns, and the rest in the last Column left for other Goods still being as particular as to Quantity and Specie as the Accounts will allow.			

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p. 64 F. Baltimore

By the Right Honourable Frederick Lord
Baltimore in the Kingdom of Ireland Lord
Proprietary of the Provinces of Maryland
and Avalon in America.

Instructions to Our Trusty and well beloved Brother
Robert Eden Esq^{rs} Our Lieutenant Governor and
Chief Governor of Our said Provinces of Maryland
and Avalon.

Whereas we have by Our Commission under Our Hand and
Greater Seal at Arms bearing Date at Baltimore House West-
minster this first day of August in the year of Our Lord One
Thousand seven hundred and Sixty Eight and in the Eight-
eenth year of Our Dominion over Our said Province of
Maryland appointed you the said Robert Eden to be Lieu-
tenant Governor and Chief Governor of Our said Provinces
of Maryland and Avalon during Our Pleasure with such
further Powers and Authorities as therein mentioned, You
Nevertheless observing and Performing such orders and In-
structions as we should from time to time give you in that
behalf. Now It is Our Will and Pleasure that you do Observe
and perform the following Orders and Instructions and in all
things regulate Your Conduct thereby and by such further
Orders and Instructions as you shall from time to time receive
from us in that behalf, that is to say:

1st You are upon Your Arrival in Our Province of Mary-
land forthwith to call together the Members of Our Council
of State and make known Our Commission to them under
Our greater Seal at Arms bearing even date with these Our
Instructions Constituting you Our Lieutenant General and
Chief Governor of Our said Province of Maryland, and you
are to cause the same to be read and Published with all due and
usual Solemnity at the said Meeting and elsewhere as is usual
in the like Cases, which being done you are to Qualify Yourself
by taking the Oaths as Your Predecessors have done in respect
to all Acts of Parliament and Acts of Assembly for that
Purpose and Our said Council of State are to do the same.

2nd You are to Advise with Our Council of State and Act
as heretofore in such Case hath been done about Calling the
Assembly and as soon as with their Advice you shall have so
Assembled you are to make known to both Houses of As-
sembly my Speech bearing even Date with these Instructions.
And if there be any Laws which are expired and proper to
be continued you are on the calling such Assembly under my
Authority to recommend to the Council and Assembly the Re-
enacting and Renewing all such Laws; And you are to do and
execute all such Publick Acts in Conjunction with Our Legis-

lative Powers as you and they shall Judge most necessary and expedient in like manner as hath been practised and done with the usual Reservation to me by my Assent to all such Proceedings of Yours and Theirs as I shall declare from time to time most meet and fitting under my Hand and Seal at Arms.

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3rd In Case of the Death of any of Our Councillors of State you are to inform us of the Vacancy Transmitting the Name of the Person you shall Propose and think most fit to succeed in Our said Council, and you are not to fill up such Vacancy or Vacancies until you have received either Our Commission of Appointment or Approbation But if the Council should be reduced below the Number of Six you are then at Liberty to Nominate and appoint any Member or Members so as to keep up the Number of Seven Resident in Our said Province reserving to us a Power to approve or disapprove of such your Nomination and Appointment. In your Choice and Nomination of the Members of Our Council and also of Our Judges Assistant Justices and Sheriffs you are to take care that they be Men of good Life and well affected to Our Church and State as by Law Established and of good Estates and Abilities and not Necessitous Persons or much in Debt. You are neither to Augment or Diminish the Number of Our said Council as it is already establish't, and you are to Signify Our Pleasure to the Members of Our said Council that if any of them shall hereafter absent Themselves from Our said Province and Continue Absent above the space of Twelve Months together without Leave from you first obtained, or shall remain Absent for the space of two Years or the greater part thereof successively without Our Leave given them under Our Seal at Arms, their place or places in Our said Council, shall be immediately thereupon Void, and we will forthwith appoint others in their Stead.

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4th You must strictly Act consonant to the Royal Charter from King Charles the First to Our Illustrious Ancestor Cecilius Baron of Baltimore and you are to Uphold and maintain Our said Charter and all the Royal Prerogatives Rights Powers and Authorities thereby granted and Derived to Us to the Maintenance and support of Our just Rights and the true good Rule of Our Government both in Church and State as by Law Establish't, doing equal and impartial Justice unto all Persons, His most Sacred Majesty's Subjects and Our faithful Tenants committed by Our Powers to Your care.

5th You shall suffer no Law to pass, that introduces the Statutes of England in the Gross.

6th You are to pass no Act of Assembly by which the Provision made for the Clergy in An Act for the Establishment of

Lib. C. B. Religious Worship may be taken away; Nor are you to Suffer
 No. 20 any Act to pass for Dividing or Dismembering any Parish of
 the Province or any other Act by which the Incumbents may
 lose their Income Profits or the Provision made for the Clergy
 on Account of such taking away or giving to others during the
 Lives of the Incumbents without such Incumbent or Incum-
 bent's Consent; and you are to suffer no Private Act to Pass
 without Notice being first given to the Persons Concerned and
 Interested and Liberty given them to make their Defence; Nor
 any Private Act in which there is not a Saving of the Rights
 of us and Our Heirs and all Bodies Politick and Corporate and
 all other Persons not Named in the Act.

7th You are not to give your Assent to any Bill in the As-
 sembly which shall be Repugnant to the Laws of Great Britain
 nor to any Bill of an Unusual and extraordinary Nature and
 Importance where Our Charter, Prerogative or the Property
 of his Majesty's Subjects may be prejudiced without having
 first transmitted to us the Draft of such Bill and Our having
 signified Our Pleasure thereupon; or without taking care in
 the passing of any Act of an Unusual and extraordinary
 p. 66 Nature that there be a Clause Inserted therein suspending and
 deferring the Execution thereof until Our Pleasure be known
 concerning the same.

8th You are to observe in the passing of all Laws that what-
 ever may be requisite upon each different Matter be accord-
 ingly Provided for by a different Law without intermixing in
 one and the same Act such things as have no proper Relation
 to each other; and you are more especially to take Care, that
 no Clause or Clauses be inserted in or Annexed to any Act
 which shall be foreign to what the Title of such Act imparts;
 And that no Act whatever be suspended, altered, revived con-
 firmed or repealed by general Words, but that the Title and
 Date of such Acts so suspended, Altered Reviewed Confirmed
 or Repealed be particularly mentioned.

9th You are to suffer no Law relating to the Paper Currency
 to pass but what shall be in all things Conformable to the Acts
 of Parliament in that behalf made.

10th You are from time to time to fill up all vacant places
 in Our said Province of Maryland and appoint and continue
 such Persons in Offices as by Our Commissions or Instruc-
 tions are mentioned. As to all other Offices not so particularly
 given in Direction to you, you are to appoint and continue
 such Persons in such Offices during Our Pleasure as you shall
 think Necessary and grant them the Usual Commissions on
 Your Arrival, Transmitting to us an Account of all such
 Persons so put into employments for Our Consent and Appro-

bation, and as offices become Vacant you are to fill up the same Provisionally only until you shall have received Our Consent and Approbation. Lib. C. B.
No. 20

11th You shall take Especial Care that God Almighty be devoutly and duly served throughout your Government, the Book of Common Prayer, as by Law Established, Read each Sunday and Holiday, and the Blessed Sacrament be duly Administered according to the Rights of the Church of England. You shall be careful that the Churches already Built be well and orderly kept and we do hereby Require and Direct you that all Church Livings and Ecclesiastical Preferments which shall become Vacant shall be Notified by you to Us for Our filling up and appointing the Succeeding Incumbents thereto, by which means we shall have an Opportunity of Obliging Deserving Persons and thereby knowing those who are sent over to Our said Province.

12th If any Emergency of Government shall arise not provided for by these Instructions, you are in all things to act according to your best Discretion and Judgement with the Opinion and Advice nevertheless of Our Council transmitting to us or Our Secretary of Our said Province the earliest Accounts of such Your Proceedings.

13th You are to Conform yourself to all such Orders and Instructions as have been sent to former Lieutenant Governors as you shall find them Entered in the Council Books of Our said Province so far as the same are not altered or varied by these present or former Instructions or such other Instructions as you may receive from us and you are upon all Occasions to send to us or Our Secretary of Our said Province in England to be laid before us a particular Account of all your Proceedings and of the Proceedings of the Assembly, p. 67 and of the Condition of Affairs within your Government.

14. In Case of your Death or Absence from our said Province and no other Person shall be resident on the place Commissionated or appointed by us to be Our Lieutenant Governor, the Eldest Councillor whose Name is first placed in Our Commission appointing the Council and who shall be at the time of your Death or Absence residing within Our said Province shall take upon him the Administration of the Government but not to Assent to or Pass any Act but what may be immediately necessary for the Peace and Welfare of Our Province.

15th You are to Cause these Instructions to be entered in the Council Books.

Given at Baltimore House Westminster this 29th Day of August in the Year of Our Lord 1768 and in the 18th year of Our Dominion F. B.

Lib. C. B. 12th June 1769. Ordered by his Excellency the Governor with
No. 20 the Advice of this Board that the present General Assembly
of this Province, which stands Prorogued to Thursday the
27th day of July next, be further Prorogued to Tuesday the
14th day of November next, and Proclamations issued ac-
cordingly.

At a Council held, at the Governor's on Monday the 24th day
of July in the Nineteenth Year of His Lordship's Dominion,
Anno Domini 1769.

Present

His Excellency Robert Eden Esq^r Governor

The Honourable Benedict Calvert, John Ridout, and George
Steuart Esq^{rs} Read the Transcript of the Conviction of
Negro David, the Slave of a certain Robert Martin of Charles
County, Condemned at the last County Court held in the
said County, for having Committed a Rape on the Body of a
certain Sarah Smith.

Ordered by His Excellency the Governor, with the Advice
of this Board, that a Death Warrant issue for the Execution
of the aforesaid Negro David, on Wednesday the 9th day of
Augst next, which issued accordingly.

Ordered that the Clerk of this Board send Copies of the
following Letter to the Clerks of Calvert, Frederick, Ann
Arundel, Charles, Cecil, and Kent Counties which were trans-
mitted accordingly.

Sir

I am Ordered, by the Governor and Council to acquaint
you that no Bond hath yet been returned to the Secretary's
Office for the Sheriff of Your County's due Performance of
his Office this year; you will be pleased to inform the Magis-
trates, at their next Meeting, of this Omission, and that it is
expected they will immediately transmit the said Bond, and
also enquire into the Cause of its having been detained so long
after the Time, prescribed by the Act of Assembly for its
being returned, hath elapsed.

I am Sir

Annapolis
24th July 1769

Your most humble Servant
U Scott Cl. Con.

p. 68 Read and approved of the Sheriffs' Bonds of Baltimore,
Prince Georges, Queen Anns, Dorchester, Talbot, Worcester
and Somerset Counties.

Ordered that the Clerk of this Board transmit, to the Clerk of Saint Marys County, the Sheriff's Bond for that County, together with a Copy of the following Letter, which were transmitted accordingly. Lib. C. B.
No. 20

Sir

I am directed by his Excellency and the Council to transmit you the inclosed Bond in which they observe the Words, "or Money" left out in the fifth line from the Bottom of the Condition, betwixt the Words "Tobacco" and "wherewith." You will be pleased to Communicate this Matter to the Magistrates, at their next Meeting, that the Error may be Corrected, after which the Bond must be returned to me, to be again laid before the Governor and Council.

To	I am Sir
Benj. Young Esq ^r Clk of	{ Your most Obedient Servant
S ^t Mary's County	{ U Scott Cl. Con.

29th July 1769.

Ordered by His Excellency the Governor, that Copies of the following Letter be transmitted, with all Convenient Speed, to the Honourable Benedict Calvert, Richard Lee, Charles Hammond, Daniel Dulany, and John Beale Bordley Esq^{rs} which were transmitted accordingly.

Sir

His Excellency the Governor, having received Sundry Acts passed last Session of Parliament, as also a Letter from Lord Hillsborough assuring him that the present Ministry, having no Design of laying any further Taxes for raising a Revenue in America, intend proposing, next Session, the taking off the Duties on Glass, Paper and Colours, as being contrary to the true Principles of Commerce, hath directed me to acquaint you of this, and of his desire that you will attend a Meeting of the Council, at half an Hour after twelve o'Clock on Friday next, in his own House, that Orders may be given for the Publication of the said Acts, and to Consult of the most proper Method of Communicating to the Province the Information he hath received from His Majesty's Secretary of State.

Annapolis
29th of July 1769.

I am Sir
Your most Obed^t
humble Servant
U Scott Cl. Con.

Lib. C. B. At a Council held, at the Governor's, on Friday the 4th day
 No. 20 of August, in the Nineteenth Year of His Lordship's Do-
 p. 69 minion Anno Domini 1769.

Present

His Excellency Robert Eden Esq^r Governor.

The Honble	{	Benedict Calvert Esq ^r	Walter Dulany Esq ^r
		Daniel Dulany Esq ^r	George Steuart Esq ^r
		John Ridout Esq ^r	

His Excellency was pleased to lay before this Board a Letter, which he had received from the Right Honourable the Earl of Hillsborough, inclosing His Majesty's most Gracious Speech to both Houses of Parliament at the Close of the last Session; as also one from John Pownal Esq^r together with Sundry Acts of Parliament.

Whitehall May 13th 1769.

Sir.

Inclosed I send you the Speech made by the King to his Parliament, at the Close of the Session on Tuesday last. What his Majesty is pleased to say, in relation to the Measures which have been pursued in North America, will not escape Your Notice, as the Satisfaction His Majesty expresses in the Approbation his Parliament has given to them and the assurances of their firm Support in the Prosecution of them, together with his Royal Opinion of the great Advantages that will probably accrue from the Concurrence of every Branch of the Legislature, in the Resolution of maintaining a due Execution of the Laws, cannot fail to produce the most Salutary Effects.

From hence it will be understood that the whole Legislature concur in the Opinion, adopted by his Majesty's Servants, that no Measure ought to be taken which can any way derogate from the Legislative Authority of Great Britain over the Colonies; but I can take upon me to assure you, Notwithstanding Insinuations to the Contrary, from Men with Factious and Seditious Views, that His Majesty's present Administration have at no time entertained a Design to propose to Parliament to lay any further Taxes upon America, for the purpose of raising a Revenue, and that it is at present their Intention to propose, in the next Session of Parliament, to take off the Duties upon Glass Paper and Colours, upon Consideration of such Duties having been laid contrary to the true Principles of Commerce.

These Sir have always been and still are the Sentiments of His Majesty's present Servants, and the Principles by

which their Conduct, in respect to America, has been Governed; and his Majesty relies upon Your Prudence and Fidelity for such an explanation of his Measures, as may tend to remove the Prejudices which have been excited by the Misrepresentations of those who are Enemies to the Peace and Prosperity of Great Britain and her Colonies; and to re-establish that mutual Confidence and Affection upon which the Glory and Safety of the British Empire depend.

I am Sir

Your most Obed^t hble. Servant

Deputy Gov^r of Maryland.

Hillsborough

His Majesty's most Gracious Speech to both Houses of Parliament on Tuesday the Ninth day of May 1769.

My Lords and Gentlemen.

Having thought it necessary to give so early a Commencement to the present Session of Parliament, I am glad to find, that, by Your Zeal and Assiduity in the Dispatch of Publick Business, I am now enabled to relieve you from Your Attendance, before the Season of the Year is too far advanced.

I cannot put an End to the Session without expressing My entire Approbation of Your Conduct, and thanking you for that Clear Demonstration which your Proceedings, through the whole Course of the Session, have afforded to all the World, of the Affectionate Attachment of my Parliament to My Person and Government, as well as of their Steady Adherence to the true Interest of their Country.

It was with much Satisfaction that I observed your particular Attention to those great National Objects, which, at the opening of the Session, I recommend to your more immediate Consideration. The Result of your Deliberations respecting the late Acquisitions in the East Indies has shewn, that you were not more attentive to the immediate Benefit arising therefrom, in point of Revenue, than to the securing at all Events, the permanent commercial Interests of this Country; and guarding against every possible Discouragement to Our own Manufactures, and to the Industry of my Subjects. What more remains to be done for securing the Possession of those valuable Acquisitions, you will, I doubt not, proceed to provide for with all convenient Dispatch at your next Meeting.

The Measures which I had taken regarding the late unhappy Disturbances in North America, have been already laid before you. They have received your Approbation; and you have assured me of your firm Support in the Prosecution of

Lib. C. B. them. Nothing in my Opinion, could be more likely to enable
 No. 20 the well disposed among my Subjects in that part of the World
 to discourage and defeat the Designs of the Factious and
 Seditious, than the hearty Concurrence of every Branch of
 the Legislature in the Resolution of maintaining the Execution
 of the Laws in every part of my Dominions; and there is noth-
 ing I more ardently wish for, than to see it produce that good
 Effect.

With respect to Foreign Affairs, my own Determination,
 as well as the Assurances given me by the other Powers of
 Europe, continue the same, as I communicated to you at the
 Beginning of this Session. And however unsuccessful My
 Attempts have proved for preventing the unfortunate Rup-
 ture which has happened between Russia and the Porte, I shall
 not fail to use my good Offices towards restoring Peace be-
 tween those Powers; and I trust, that the Calamities of War
 will not extend to any other part of Europe.

Gentlemen of the House of Commons

My particular Thanks are due to you, as well for the Sup-
 plies which you have granted me for the Services of the Cur-
 rent Year, as for the Provision which you have made for en-
 abling me to discharge the Debt incurred upon Account of
 my Civil Government. Your readiness in Relieving me from
 the Difficulties increasing upon me from the Continuance of
 that Debt, I shall ever consider as an Additional Motive for
 Me to endeavour to confine the Expences of my Civil Govern-
 ment within such Bounds as the Honour of my Crown can
 possibly admit.

My Lords and Gentlemen

It gives me great Concern to be obliged to recommend to
 you, with more than ordinary Earnestness, that you would
 all, in your several Countries, exert your utmost Efforts for
 the Maintenance of Publick Peace, and of Good Order, among
 p. 71 my People. You must be sensible that whatever obstructs,
 in any Degree, the Regular Execution of the Laws or Weak-
 ens the Authority of the Magistrate, must lessen the only
 Security which My People can have for the undisturbed En-
 joyment of their Rights and Liberties. From your Endeav-
 ours in this Common Cause I promise Myself the most Salu-
 tary Effect. On my part no Countenance or Support shall be
 wanting: for as I have ever made and ever shall make, Our
 Excellent Constitution the Rule of my own Conduct, so shall
 I always consider it as equally my Duty to exert every Power
 with which that Constitution has intrusted Me, for preserving

it safe from Violation of every kind; being fully convinced, Lib. C. B.
No. 20
that in so doing, I shall most effectually provide for the true
Interest and Happiness of my People.

Whitehall 13th May 1769.

Sir

I send you herewith by the Earl of Hillsborough's directions Copies of several Acts passed in the last Session of Parliament which relate to America.

I am Sir,

Your most Obed^t humble Servant
Deputy Governor of Maryland. John Pownal.

In Consequence of the foregoing Letters, it is the Humble Advice and Opinion of this Board that the Printer should be directed to Print a Sufficient Number of Copies of the above-mentioned Acts, in Order that they may be transmitted to the several Counties, and there Published by Proclamation, which Proclamations were issued accordingly together with Copies of the said Acts thereunto annexed Viz.

Maryland ss:

By His Excellency Robert Eden Esq^r Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation.

Whereas John Pownall Esq^r Secretary to the Right Honourable the Earl of Hillsborough One of His Majesty's Principal Secretaries of State, has transmitted to me the following Acts of Parliament, Viz. An Act to allow for a further time the free Importation of Rice into this Kingdom from His Majesty's Colonies in North America An Act to continue an Act made in the Eighth year of the Reign of his present Majesty entituled an Act to continue and amend an Act made in the fifth year of the Reign of his present Majesty intituled, "An Act for Importation of Salted Beef, Pork, Bacon and Butter from Ireland for a limited Time and for allowing the Importation of Salted Beef, Pork, Bacon and Butter from the British Dominions in America for a limited time," An Act to permit the Inhabitants of Jersey and Guernsey to export directly from thence to Newfoundland, or the British Colonies in America Goods necessary for the Fishery under certain Restrictions; and to import from thence Non-enumerated Goods (except Rum) and to Land the same in the said Islands.

An Act for further encouraging the Growth and Culture of Raw Silk in his Majesty's Colonies and Plantations in America.

Lib. C. B. An Act to permit the free Importation of certain Raw
 No. 20 Hides and skins from Ireland and the British Plantations in
 America for a limited time; and for taking off the Duties upon
 Seal Skins tanned or tawed in this Kingdom, and for granting
 another Duty in lien thereof; for indemnifying all Persons
 with respect to advising or executing any of his Majesty's
 Orders of Council prohibiting the Importation of Raw Hides
 Horns and Hoofs of Infected Cattle; and to Authorize the
 Prohibition of the Importation of such Hides Horns and
 Hoofs for the future. And Whereas I have judged it exped-
 p. 72 dient to Notify the same here, I do therefore by and with the
 Advice and Consent of his Lordship's Council of State, direct
 and require the several Sheriffs of this Province to Publish in
 the usual manner this my Proclamation together with the
 Acts of Parliament hereunto annexed, that all his Majesty's
 Subjects within this Province may take Notice thereof, and
 conform themselves accordingly.

Given at the City of Annapolis this 4th day of August in
 the Nineteenth Year of His Lordship's Dominion Anno Do-
 mini 1769.

Signed by Order
 U Scott Cl. Con.

It is recommended by this Board to His Excellency that
 he will Communicate to the General Assembly, at their next
 Meeting, that part of Lord Hillsborough's Letter expressing
 the Intention of the Ministry respecting the late Revenue Acts.

At a Meeting of the Council held at the Governor's, on
 Monday the 28th day of August, in the Nineteenth Year of his
 Lordship's Dominion Anno Domini 1769.

Present

His Excellency Robert Eden Esq^r Governor

The Honourable John Ridout Esq^r John Beale Bordley Esq^r
 & George Steuart Esq^r

Read two Transcripts of the Conviction of Mulatto Jack,
 (the Slave of a certain Zachariah Offutt of Frederick
 County, the one for a Burglary, and the other for a Rape, of
 both which he was found Guilty, and received Sentence of
 Death accordingly at the last Prince Georges County Court.
 Read also the following Representation of the Justices relative
 thereto.

May it please your Excellency

Lib. C. B.
No. 20

Mulatto Jack, the Slave of M^r Zachariah Offutt of Frederick County, was Indicted this Court, before the Justices of Prince Georges County, for a Burglary and a Rape, He Pleaded not Guilty to each Indictment, and upon a fair and legal Tryal was found Guilty of both Offences. The Evidence seemed to us to be full and pointed and a Sufficient Justification for his Condemnation. We have Ordered Transcripts of the Proceedings to be sent to Your Excellency with all Dispatch.

And are Your Excellency's most Obed^t humble Servants.

John Cooke

Jo^s Sprigg

Jos^a Beall

Ja^s Crow

W^m Lock Weems

John Baynes

Alex^r Symmer

Rich^d Duckett Jun^r

Ordered by His Excellency the Governor, with the Advice of this Board, that a Death Warrant issue for the Execution of the aforesaid Mulatto Jack, on Friday the 8th day of September next, which issued accordingly.

• Read and approved of by the Sheriff's Bond of Frederick County.

At a Council held in the Council Chamber on Tuesday the 12th Day of September in the Nineteenth Year of Our Dominion Anno Domini 1769. p. 73

Present

His Excellency Robert Eden Esq^r Governor.

The Honble { Benedict Calvert Esq^r John Beale Bordley Esq^r
John Ridout Esq^r George Steuart Esq^r
Walter Dulany Esq^r

Read the Transcript of the Conviction of Negro Pompey, (the Slave of a certain Benjamin Davis Condemned at the last August Court held in Charles County, for having attempted to Poison a certain Leonard Burch of the said County.

Ordered by His Excellency the Governor, with the Advice of this Board that a Death Warrant Issue for the Execution of the aforesaid Negro Pompey, on Wednesday the 6th day of October next, which issued accordingly.

Lib. C. B. At a Council held at the Governor's, on Saturday the 16th
 No. 20 day of September in the Nineteenth Year of His Lordship's
 Dominion, Anno Domini 1769.

Present

His Excellency Robert Eden Esq^r Governor.

The Honble { John Ridout Esq^r John Beale Bordley Esq^r
 { Walter Dulany Esq^r George Steuart Esq^r

Read the Transcript of the Conviction of a certain John Stinson, late of Baltimore County Labourer, Condemned at the last Assize Court held in the said County, for Breaking open the House of Levin Roberts and Stealing from thence Sundry Goods and Chattels the Property of him the said Levin Roberts.

Ordered by his Excellency the Governor, with the Advice of this Board, that a Death Warrant Issue for the Execution of the aforesaid John Stinson on Friday the 22^d day of this Instant October, which Issued accordingly.

Read five Transcripts of the Conviction of Thomas Dicke, late of Ann Arundel County Labourer, Condemned, at the last Assize Court held in the said County, on his own Confession of having broke open the Meat Houses of Beriah Mayberry, and George Steuart Esq^r and Stealing from thence large Quantities of Bacon, the Dwelling Houses of a certain Richard Maccubbin, and Samuel Chase, and Stealing from thence Sundry Goods and Chattels the Property of them the said Rich^d Maccubbin and Samuel Chase, and also the Warehouse of Charles Carroll Barrister Esq^r and Stealing from thence Two Gallons of Rum, the Property of a certain Thomas Charles Williams of the City of Annapolis, Merch^t

Ordered by His Excellency the Governor, with the Advice of this Board, that a Pardon issue on Behalf of the aforesaid Thomas Dicke, Provided that he shall not continue within the City of Annapolis for the space of Twelve Hours from the time of his delivery out of Goal, nor within the Province longer than Ten days from the date thereof, and never to return again, which issued accordingly.

16th September 1769.

Ordered by his Excellency the Governor that the Execution of John Stinson be Postponed until Friday the 20th day of October next.

At a Council held in the Council Chamber on Friday the 20th day of October in the Nineteenth year of his Lordship's Dominion Anno Domini 1769.

Lib. C. B.
No. 20
p. 74

Present

His Excellency Robert Eden Esq^r Governor.

The Honble { Daniel Dulany Esq^r John Beale Bordley Esq^r
 { John Ridout Esq^r George Steuart Esq^r

Read the Transcript of the Conviction of Elizabeth Horner Condemned at the last Assize Court held in and for Somerset County for having feloniously Stole taken and lead away one dark Bay Coloured Mare of the Price of Ten Pounds Current Money of Maryland of the Goods and Chattels of a certain Levin Ballard. Read also the following Representation from the Judge relative to the said Conviction.

Somerset County Assizes Sept^r 1769.

The Evidence produced in behalf of the Lord Proprietary against Elizabeth Horner proved that the Mare was Stole out of the Pasture of Levin Ballard and was found in her Possession That the said Elizabeth was the forepart of the Night of the Stealing Twenty Miles from the Pasture afs^d and early the Morning after the same distance so that if she was Guilty of the Felony she must have traveled forty Miles that Night some Goods were also proved to have been Stole the same Night within a Mile of the Pasture aforementioned, which Goods were also found in her Possession She alledged that she received the Goods and Mare of a Person who absconded about the time of her being apprehended. As there appeared to the Judge a Possibility of her Innocence he begs leave to recommend her to his Excellency the Governor for Mercy, But on Condition that if his Excellency should exercise this divine attribute upon this occasion that it be with the condition of her leaving the Province

Dan of S^t Tho^s Jenifer

Whereupon Consideration of the Premises His Excellency with the Advice of this Board was pleased to Order that a Pardon Issue for the said Elizabeth Horner on Condition of her leaving the Province on or before the First day of January next, never to return again, or giving Security before two Justices of the Peace for her Good Behaviour for Seven Years. Which Pardon issued accordingly.

Read the following Papers and Depositions relative to a Riot committed, in Chester County Pennsylvania.

Lib. C. B. Sir

No. 20

We received your Letter by M^r Mitchell and at Our June Court we appointed to meet at the Head of Elk on the Friday of the Week following in order to take such Evidence as on Examination we should think necessary for the Information of his Excellency and the Gentlemen of the Council in the Matters complained of by Governor Penn. We then gave Notice to William Reynolds the Complainant against Francis Baker Jer^a Baker Stephen Porter and others of the time and place of this Our intended Meeting and desired that he would bring there with him such Persons as could establish the truth p. 75 of his Complaint. If such he knew to have been present when the foundation of it Arose, We at the same time intimated to Francis Baker, Jere^a Baker and Stephen Porter that they might attend and be present at the Examination aforesaid and desired they would give Notice to the other Persons charged by William Reynolds in the same Indictment (of which we found they had a Copy) that they also might attend if they thought proper so to do.

In Consequence of this Appointment and Notice given we did meet at the Head of Elk and take the Sundry Depositions herein inclosed Viz. William Reynolds Prudence Reynolds and Elisha Reynolds. His Excellency and their Honors will observe by those Depositions that Francis Baker Jer^a Baker Stephen Porter Robert Porter and Sundry other Persons alledged to have been concerned with them were present at the taking thereof and that the Deponents were further examined at their request and we also did Administer the Oath annexed to the Depositions unto Patrick Ewing John M^cCoy and Abraham Mitchell at their desire.

We are well assured that neither Robert Scott or Andrew Crauford (the Persons against whom indictments are found on the Evidence of Elisha Price Esq^r Samuel Kennedy and others) live in this County and that Mark Alexander one of the Persons complained of in the Deposition of John Jack taken by M^r Allen lives in Baltimore Town. We sent Notice to the said Jack and the others he complained of, but neither he nor they did attend.

We hope the Steps we have taken will meet with his Excellency and the Gentlemen of the Council's Approbation, and are Sir

Your most humble & Obed^t Servants

Cecil County 29th July 1769.

G. Milligan

And^w Pearce

Cecil County ss^t On the 24th day of June 1769. William Reynolds of Chester County in the Province of Pennsylvania being Solemnly Sworn on the Holy Evangels Depose and

saith that on the Fifteenth day of August last past Francis Baker Jeremiah Baker, Stephen Porter Robert Porter James M^cCalease, and two other Persons unknown to him came to this the said Reynolds' House and the said Francis Baker Demanded the Estate of Joseph Bass of him the said Reynolds upon which the said Reynolds asked him by what Authority he did it and he the said Baker Answered him that he had Letters of Administration upon which Reynolds asked him if he had any Letters but what his Father had to which Baker answered he had not on which Reynolds told him he thought the Letters died with his Father but said he would give him the same offer he gave his Father give him two Freeholders in Pennsylvania and two Freeholders in Maryland and he would give him up the Estate upon which Baker told him he would not give him Security but he would have the Estate upon which said Reynolds told him not to come as Bob Porter did then Baker went out of the House and jump't on his Horse and took his handkerchief out and held it up and said Huzza Boys come and take the Negroes away with that Robert Porter Jeremiah Baker James M^cCalease and Stephen Porter went into the Kitchen the Door then being Latched on which Reynolds came out of the House and commanded them to come out that they had no business with any thing there and as he was going to the Kitchen he picked up a Stick and went to the Door in the Kitchen upon which two Persons unknown to him Struck at him on which he the said Reynolds turned about and at the Corner of the House he saw Francis Baker pick up a long handle Hoe and came running towards him upon which Reynolds met him and the said Baker Struck him with said Hoe and Cut him in ten different places and while they were engaged Stephen Porter went into the Loft and brought down a Negro Child about two years old and carried it off. And that Robert Porter and Jeremiah Baker both came and Struck him divers Strokes and then they, and all the rest went off. And the said Deponent further declareth that on the Nineteenth day of the said Month of August at Night on the said Reynolds hearing a Noise he got up and saw a Man laying upon a Log, sometime after hearing a Noise again he lifted up the sash and saw five Persons, to wit Francis Baker Jeremiah Baker Stephen Porter and Robert Porter and John Cavanah coming out of the Cellar of the said Reynolds' House with four Loaves of Bread the property of said Reynolds and that one had been eat in the Cellar except a small matter and that the said Persons had no Hatts on but all with Handkerchiefs tied round their Heads over the foreheads. After sometime Reynolds opened the Door to see if there were any more than them which came out of the Cellar and the

Lib. C. B.
No. 20

p. 76

Lib. C. B. one on the Log upon which he saw a great Number all under
 No. 20 Arms then he Shut to the Door and continued in the House till
 about two Hours before day then he asked his Wife if she was
 Sleepy and she said not he then asked her what the Reason was
 and she answered that she could not rest because of the Noise
 she heard in the Cellar and about the House upon which he
 and his Wife continued walking about the House until day
 when he fired a Gun charged with Powder only in order to
 alarm his Brother John who he had agreed with to do that in
 case they should come again after the first mentioned time and
 then he shut to the Door and went to the Window and look'd
 out and saw Francis Baker Stephen Porter Jeremiah Baker
 Robert Porter James M^cCalease and sundry other Persons
 who cried out there is the Son of a Bitch Shute him Shute him
 upon which Francis Baker and Stephen Porter both Shot
 through the Windows into the House and lodged Seventy five
 Shot in the House and four Shot went through the Shirt that
 he had on his Back and they and the Company with them fell
 too and broke Sixty odd Pains of Glass in the Windows and
 the Window Sashes then broke open the Door and some came
 in at the Windows and some at the Door and went over all the
 House opening the Doors of the Rooms and went into the Gar-
 rett and brought down four Negroes the Property of said
 Reynolds whose Names are Cesar Pegg Sue and Jack and car-
 ried them off and also took two Guns with them the Property
 of said Reynolds and Stephen Porter did Beat Prudence Reyn-
 olds the Wife of the said William Reynolds And the said
 Deponent further Declareth that when they took the two Guns
 out of the House Jeremiah Baker and Robert Porter proceeded
 to load the Guns the Company swore they would blow his the
 said Reynolds' Brains out some of the Company then said dont
 kill him for we have got the Negroes and John Cavanah came
 up to him with a Cutlass in his hand after they had got the
 Negroes and swore he would Split his Brains out. And
 further this Deponent saith not.

Robert Porter Francis Baker Jeremiah Baker James Gil-
 laspy and John Cavanah being present at the time of the taking
 the foregoing Deposition Francis Baker asked of the said
 Reynolds if James Gillaspys one of the Persons mentioned in
 p. 77 an Indictment in Chester County was present answered that
 to the best of his Knowledge he was present at one of the
 times mentioned in the said Reynolds' Deposition but does
 not certainly recollect which of the times And the said De-
 ponent being asked if he knew certainly the Persons mentioned
 in the Indictment in Chester County answered that he cer-
 tainly knew and that there was present Robert Porter Francis
 Baker Jeremiah Baker James M^cCalease James Gillaspys John

Cavanah John M^cCrackin and James Wilson and that he was informed and had reason to believe that James M^cCalease Nathaniel Gillaspy Andrew Porter and Thomas Porter was present but he does not positively know them and upon three Men being produced to him and asked if they was any of the Persons answered that one of them was Thomas Porter the other Nathaniel Gillaspy and the other he thinks is Andrew Porter and that he knew the said Andrew Porter when he was a Boy and since and he thinks he knew when the Riot was and he thinks he was present And being further asked by the Parties concerned what kind of Night it was they was at his House answered and said that the Moon shone in the fore part of the Night and that it was Starr light in the latter part and being asked where the Cellar Door was that he saw the Men come out of answered and said that he saw them come out of the Door in the Stone part of his House and on the back side and being likewise asked if either of the two Guns mentioned in this Deposition was returned to him answers and saith that it was not returned to him and being asked if he could tell whether Francis Baker or Stephen Porter Shot in at the Window at which he stood answered and said that Stephen Porter Shot in at the Window at which he Stood.

Sworn before W^m Reynolds.

Lib. C. B.
No. 20

G. Milligan
And^w Pearce

Cecil County ss^t

On the 24th day of June 1769. came Prudence Reynolds before us the Subscribers and being one of the People commonly called Quakers did solemnly sincerely and truly affirm and declare that on the twentieth day of August last past she heard some Persons at the Door of William Reynolds call out Dam him Shute him Shute him and Shot in at both the Windows and immediately after all the Windows in the House except one was broke and the People came in but that she did not then know them but one of them Struck her and beat her and pulled the Skin off her Arms and that four or five Persons had hold of her until one of them released her which was James Gamble which she knew by his Voice soon after she went out of the House into the Porch and there Stephen Porter came up to her with a Pistol in one hand and a Club in the other and she told him she knew him and he answered he knew that and if she Spoke one Word he would Murder her that Minute and then pulled her about Struck her on the Head and tore her Cloaths and then left her after which the Person which first Struck her and Robert Porter came to her and the Man who

Lib. C. B. came first Struck her and called her a Dam Bitch and Robert
 No. 20 Porter also struck her and then called out to the others to break
 all the Windows and broke the one that was before left un-
 broke and broke the Sash and Stephen Porter afterwards
 kicked her over a Stump and run her up against the Banisters
 then her Brothers came and the People called out Shute them.
 And further saith not. And being asked by one of the Parties
 concerned if any of the Windows was broke before Answers
 and saith that there was not above two Pains of Glass broke
 p. 78 in the lower Windows, and being further asked by Stephen
 Porter if she was much hurt by the Blow on her Head an-
 swered and said she was much Bruised and remained so for
 a Week or more.

Affirmed before
 G: Milligan
 And^w Pearce

Prudence Reynolds.

Cecil County ss^t

On the 24th day of June 1769. Prudence Reynolds Daughter
 of William Reynolds did Solemnly sincerely and truly Affirm
 and Declare that some time after Harvest in the last year
 Robert Porter Jeremiah Baker Stephen Porter John Cavanah
 and sundry other Persons whom she did not know was at her
 Father's House and she heard them fireing Guns and saw them
 break the Windows of said House and she went out of the
 House to go into another House Stephen Porter came to her
 and held her until he saw her Sister on which she went into
 the Orchard and then four or five came after her and brought
 her back and she then saw Jeremiah Baker and John Cavanah
 coming out of the Cellar and Cavanah came to her and held a
 Sword over her head and said Dam her if she said one Word
 he would Split her Brains out after which she went away and
 went out of the House at another Door and then one of the
 Company whose Name she does not know came to her and
 Damd her for a Bitch and told her to get into the House.
 And further saith not.

Affirmed before
 G. Milligan
 And^w Pearce

her
 Prudence P Reynolds
 Mark

Cecil County ss^t

On the 24th day of June 1769. Elisha Reynolds being one of
 the People called Quakers did solemnly sincerely and truly
 affirm and declare that on the Twentieth day of August last
 past he was called up by his Father in the Morning and told by
 him that he heard a firing of Guns and was afraid there was

bad Work going on at William Reynolds' on which this Depo-
nent got up and immediately went down to his Brother's Wil-
liam Reynolds and when he came to the Garden he saw a great
Number of People before the House and John Cavanah had a
Cutlass holding over William Reynolds' Head and Daming
him saying he would Split out his Brains and he then saw
Stephen Porter have hold of William Reynolds' Wife by the
Arms pushing her against the Porch and then throw'd her
over a Stump and left her and he likewise saw John Reynolds
have a Gun in his hand which he set down and some other
Person came and took away the Gun and Stephen Porter and
many others run after John Reynolds and cried Shoot him
Shoot him and then they went away. And further saith not.
And being asked by one of the Parties concerned if he had ever
seen the Gun since that was taken away answers and saith that
there was a Man whose Name he does not know some time
after the Gun was taken away brought a Gun to his Father's
and set her down at the Cart House and said he believed it
belonged to some of the Reynolds' but that he does not know
what became of her for he never has seen her since.

Affirmed before

Elisha Reynolds

G. Milligan

And^w Pearce

Cecil County ss^t

On the 24th day of June 1769 came Patrick Ewing John Mc-
Coy and Abraham Mitchell and made Oath on the Holy Evan-
gils that the Person called by William Reynolds Nathaniel
Gillaspy is Nathaniel Breadding son of James Breadding and the
Person by him called Andrew Porter is Nathaniel Ewing son
of Joshua Ewing and the Person called Thomas Porter is
Andrew Porter son of Andrew Porter.

p. 79

Sworn before

G. Milligan

And^w Pearce

To all Persons whom these may Concern We the Subscrib-
ers do Certify that the general Character of William Reynolds
and his Family and the Family of Henry Reynolds Senior are
such as are in part underneath set forth.

Their laying down John Carmichael's Wheat Field Fence
and driving upwards of thirty Cattle into the same at the
same time standing in the Breach and throwing Stones at the
Children of said Carmichael upon their attempting to drive out
said Cattle until they had left off Eating there then driving
said Cattle or a Number of them into Carmichael's Barn
among a quantity of Thrashed Wheat there keeping them until
they could Eat no more then driving said Cattle carefully to

Lib. C. B. Water Immediately afterward going into said Carmichael's
 No. 20 Cellar after breaking the Door of the same there drinking at
 pleasure Cyder and Brandy and leaving the same running at
 their off going their destroying said Carmichael's Hogs by
 Ripping up the Belly of Sows heavy with young and other
 means whereby they have Injured said Carmichael in the
 destroying Cattle of various kinds. Then breaking the Low
 Meeting House Stealing a Tankard and Wine just after the
 Celebration of the Sacrament in Fall last. Witness the Tank-
 ard is now in the hands of M^r Johnston Esq^r and Arthur
 Wisely and his Wife who see them do the Action and to whom
 after they drank the Wine they gave it and ordered it to be
 run down into Spoons. They broke up M^r Beard's Meeting
 House at several times and with other mischiefs Bedaubed
 the Pulpit and Christening Bason with Human Dung. Wit-
 ness M^r Beard and the whole Congregation as to the Fact and
 that they did it Witness Joseph Coleson &c this at last Spring
 Sacrament and the year before.

Their going in an Insolent manner to their Uncle Jacob
 Reynolds' House and there in the presence of Close by their
 Aunt Shooting and killing his tame Deer at the same time
 much affrighting their Aunt as well by their threatnings as
 the noise of the Gun and then Immediately Cutting down five
 or six Acres of their Uncle's Corn being about the middle of
 July. Witness their Uncle and Aunt.

Their afterwards attempting to take away said Uncle's Life
 without any Provocation by Stabbing him with a Flesh Fork
 in presence of the Sheriffs of Chester County, at which time
 and place old Henry the Father of William Reynolds inter-
 posed in order to make Peace but was obliged to Escape pre-
 cipitately after being severely Struck by his said Son William.
 Witness the above Sheriff and Hezekiah Rolls. Their making
 and passing bad Dollars. Witness Thomas Slicer Widow
 Cummins William Rook Richard Ellis &c.

Their gathering frequently into Clubs and ever going from
 House to House evilly treating People they disliked searching
 for certain Persons whose lives they threatened, as Witness
 Samuel Scott (at whose House they Cutt a Webb out of the
 Loom) Thomas Scott Widow Edmiston Robert Morrison
 James Steel and Archibald Johnston. Their appearing at
 almost all Public Places Vandues &c. and their insulting
 p. 80 threatening abusing People Cutting Bridles &c and Breeding
 Quarrels. Their depriving of People of Property in lesser
 Matters frequently. Their Number together with their Ac-
 tions and then succeeded by hard Swearing in many Instances
 too tedious to mention render them a common Nuisance and a
 terror to the Neighbourhood.

Chester County
Pennsilvania,

Robert Creiswell
John M^cMullan
John Dicky
Thomas Morton
Robert M^cDowell
W^m M^cMaster
Hugh Rouland
Thomas Philips
James Harbison
James M^cNaught
Charles Porter
Joseph Morrison
John Craford
Will^m Willson
Thomas Grub
Joseph M^cCronolds Sen.
John Willson
Araham Hillhouse
John Poalk
John Stones
William Hillhouse
John Hillhouse
Thomas Scott
James Scott
James Marchant
David Moor
James Barnes
Joseph Barnes
Rob^t Morrison
Hugh Sheerer
James Cummings
James Craford
John Crawford
And^w Dunbar
Thomas M^cConel
James Willson
John Carmichel
Will^m Bohanan
Thomas Rogers
Joseph Rogers
Andrew Strel
James Barclay
David Poalk
John Walker
John Barkley.

Lancaster County
Pensilvania,

Samuel Scott
David Paton
William Callhoun
James Sparan
David Mitchell
James Gambell
William Gibson
George Doherty
James Mitchell
James Morrison
James Knox
Patrick Hughey
Sampson Smith, Minister, of
the Gospel.
John Wilson
George Anderson
James Kennedy
William Sims
William M^cLeef
George Linch
Dennis M^cFadding
Natt: Ewing
Christopher Jones
Robert Glenn
James Breading
Moses Davison

Lib. C. B.
No. 20

Cecil County, Maryland.

Robert Porter
William Ewing
Andrew Porter
John Beard, Minister of the
Gospel in Nottingham
Patrick Ewing
James Gillispie
James Kernakan
James Sims
Andrew Wew
Robert M^cMaster
Andrew Porter Jun.
John Porter
Natt: Gillespie
James Thompson
Richard Flemming

Lib. C. B. No. 20	Cecil County, Maryland.	Cecil County, Maryland.
	Henry Dougherty	Thomas White
	Arcy Douty	John M ^c Claine
	John Baker	William Gillespie
	William Welch	John Porter
	John M ^c Cary	John Dougherty
	John Alexander	Stephen Gillespie
	James Quaile	Con: Donally
	Robert Johnson	James M ^c Clean
	Charles Reagon	Francis Fulton
	Andrew Barrett	Samuel Guthrey
	Samuel Ewing	George Naybor
	Robert Ewing	George Potten
	David Henderson	John Johnston
	Samuel Gillespie	Samuel Miller
	Richard Gay	William M ^c Clure
	William Welsh	Samuel Fulton
	William Harris	George Jonson.

p. 81 To all Persons whom it may concern We the Subscribers do hereby Certify that we or most of Us have been personally acquainted with Mess^{rs} Francis and Jeremiah Baker from their Infancy and that they have lived among us Soberly quietly and inoffensively free from Scandal of any kind Rioting or Drunkenness or any kind of Debauchery that M^r Francis Baker has lived a Considerable time in a Different County and that we have never heard any thing detrimental to his Character more than when he lived amongst Us and of Jeremiah who has lived all his Life hitherto with us we can with Justice affirm that he has lived blameless in every Respect as far as we ever knew or heard what is or may be now alledged in Regard to William Reynolds Excepted and he has been always highly Esteemed by us for his good Nature and prudent Behaviour. In Testimony whereof we have hereunto set Our hands this 27th day of May 1769.

Francis Key	William Gillespie
Jo ⁿ Hamilton	Thomas Love
Will: Baxter	Nathaniel Ewing
P. Chew	James Downy
Tho ^s Elliot	Robert Ewing
Patt: Hamilton	Robert Gillespie
Joseph Haines	Thomas Maffitt
Archibald Job	Sam ^l Clark
Robert Young	Sam ^l M ^c Collagh
Elisha Gatchel	Thomas Dickson
William Bean	Augustine Passmore

John Glasgow
John Day Jun.
Jonas Cooper
John Smith
David Smith
Rowland Rogers
John Warnock
John Murphey
Thomas Hase
Robert Lesslie
John Hall
George Rea
John Crookshanks
Robert Whitley
James Hamelton
William Jamison
John Gallangher
Andrew Wilson
William Rock
John Barn
John Weakfield
Henry Taylor
Edward Daugherty
Hezekiah Rowles
Rob^t Dowell
John White Jun^r
James Evans
Robert Johnson
James Anderson
Joseph Rutherford
John Ewing
William Rowland
Abraham Mitchell
Thomas Savin
Francis Rock
And^w M^cDowell
William Porter
John Boggs
Walter Carson
John Hedrick
Hen: Sanderson
David Barr
Jesse Hollingsworth
David Ricketts
Jonathan Booth
Samuel Sheppard

T: John
Ebenezer Howell
Patrick M^cMurey
John Johnson
Joseph Nisbett
James Gillispie
William Ewing
James Breathing
Alexander Ewing
James Porter
Samuel Ewing
John Porter
Samuel Gillespie
Richard Gay
Andrew Porter
Andrew Carson
Edward Justice
William Brown
David Morrow
Will: Hamilton
John Smith
H: Allen
Messer Brown
Francis Henderson
H. Hollingsworth
J. Hollingsworth
Zebⁿ Hollingsworth
John Glasgow
Samuel Glasgow
James Glasgow
Will^m Glasgow Jun^r
John Anderson
Hugh Gay
David Wallace
Hill: Geo: Lawson
Sam^l Maffitt
Jos^h Gilpin
Geo: Catto
William Longwill
James Porter
Hugh Longwill
Samuel Miller
W^m Gillespie
John M^cCay
Charles Regan
Samuel Patterson

Lib. C. B.
No. 20

Lib. C. B.
No. 20

Tobias Rudolph
Robert Alison.
Elisha Hughes
John White
Thomas Slycer
John Slycer
Samuel Slycer
John Cather
Thomas Simper
William Currer
William Howell
Edward Parker
Henry Miller
Andrew Coulter
John Rankin
Thomas Currer
Pat^k Ewing
George Porter
George Ewing

William Hitchman
John Patterson
David Patterson
Andrew Barrett
James Brisbane
Robert Ash
James Carson
Archibald Henderson
John Miller
Rich^d Oldham
Charles Reed
Charles Williams
Joseph Thomson
Michael Wallace
George Clark
Thomas Wallace
Robert Alexander
James M^cKonkey

p. 82 Talbot County Maryland June 7th 1769. We have been acquainted with Francis Baker several years during most of the Time he has resided in this County and can truly say we have never heard of his having been Guilty of any dishonest or Riotous practices or doings.

Mat: Tilghman
James Dickinson
Henry Hollyday

Cecil County. This is to Certify that I have known Francis and Jeremiah Baker from their Youth to this Time I never have known them Guilty of any Misbehaviour. which this is given under my hand 29th day of May 1769

Nich^s Hyland

31st May 1769. I hereby Certify that I have been acquainted with Mess^{rs} Francis and Jeremiah Baker from their Infancy and that I never knew or heard of their being given to Drinking or any Vice whatever but behaved Justly and Honestly in all their dealing and much Esteemed for their Industry,

Edw^d Mitchell

31st May 1769. I hereby Certify that I have known M^r Francis Baker and M^r Jeremiah Baker Six or Seven Years during which time they have Supported fair and Good Characters and never have heard of any kind of Vice Immorality or Species of Debauchery they have been Guilty of but as far as I have

known them or heard of them they have behaved themselves honestly soberly and justly and have never heard any Complaints of either of them save or late one made by William Reynolds. Benjamin Rumsey.

Lib. C. B.
No. 20

Queen Anns County Maryland June 5th 1769. I have been acquainted with M^r Francis Baker at least ten Years last past during which time he has resided chiefly in my Neighbourhood and I have not known or heard of his being concerned in or adicted to Rioting or vitious Practices of any kind whatsoever. E. Tilghman.

Talbot County 7th June 1769. I have been personally acquainted with Francis Baker these Nine or Ten years and as he lives on the Borders of my Parish had frequent Opportunities of conversing with him. I esteemed him an honest Man myself and I believe he was esteemed such by others nor did I ever know or hear of his being Guilty of any Dishonest or Riotous Practices. John Gordon
Rector of St. Michael's Parish.

Talbot County 7th June 1769. I have been acquainted with M^r Francis Baker above seven years and by what I know or ever heard of him I never understood that he was Guilty of any Dishonest Practices but was always esteemed an honest obliging inofensive Person
John Barclay Rector of St. Peters, Talbot.

Queen Anns County Maryland June 7th 1769. I hereby Certify whom it may concern that M^r Francis Baker has lived a Neighbour and Acquaintance near me for fifteen years past and has supported the Character of a Sober Honest and diligent Man in his Business.

Rob^t Lloyd.

Queen Anns County Maryland June 15th 1769. These are to Certify whom it may concern that M^r Francis Baker has been a Parishioner of mine since I came into this Parish which will be three years next January and that during the said time he has to the best of my knowledge maintained a good Character free from Rioting Drunkenness, or Dishonesty. As Witness my hand the day above Written.

Hugh Neill Rector of S^t Pauls.

Ordered that the Consideration of the foregoing Papers and Depositions be Postponed.

Lib. C. B. At a Council held at the Governor's on Sunday the 12th day
No. 20 of November in the Nineteenth year of his Lordship's Do-
p. 83 minion Anno 1769.

Were Present.

His Excellency Robert Eden Esq^r Governor

The Hon^{ble} { Daniel Dulany Esq^r John Beale Bordley Esq^r
 { John Ridout Esq^r George Steuart Esq^r

His Excellency is pleased to acquaint this Board that he has received Instructions from his Lordship the Right honourable the Lord Proprietary to appoint William Fitzhugh Esq^r a Member of his Lordship's Council and the Upper House of Assembly of this Province who being present took the several Oaths to the Government required by Law as also the usual Oath of Councillor, repeated and Subscribed the Oath of Abjuration and Test and then took his Seat at the Board accordingly.

His Excellency is pleased to lay before this Board the following Draught of a Speech to both Houses of Assembly which being Read is approved of.

Gentlemen of the Upper and Lower Houses of Assembly.

From my desire of accommodating the public Business to your private Affairs, I have delayed calling you together, nor should I, did not the Exigencies of Government make it necessary, now meet you, merely to Notify the Lord Proprietary's Appointment of me to Succeed Colonel Sharpe as Governor of this Province; to merit which Honor, and the Trust thus reposed in me, I shall ever consider it to be my indispensable Duty to promote on all Occasions the Prosperity of Maryland.

Gentlemen of the Lower House.

Convinced, as I am, that the real Interests of the Lord Proprietary, and the People of this Province are inseparable, I meet this Assembly with the most Agreeable Prospect. From your Attachment to the Welfare of your Country; from your knowledge of its Circumstances, and from your Moderation and Prudence, I derive the most persuasive and pleasing Expectation, that this Session will be distinguished by the Benefits which a dispassionate and amicable Intercourse cannot fail to produce, by the Propriety of your Proceedings and the Utility of those Laws which shall be Enacted.

His Lordship has been pleased to assure you in the Message I am now to have the Honour of delivering to you, that if you will prepare the Plan for the further Improvement of the Province, his Encouragement shall not be wanting. Though

I warmly wish that a well founded Provision for a more liberal Institution of Youth may be Established here, yet, I do not undertake at this time to Recommend particular Objects to your Attention. The Observations I have made during the short Interval since my arrival not affording me Sufficient Grounds; and if that Interval had been much longer, your Experience would probably anticipate my Recommendations: But give me Leave to assure you, you may always rely upon my most cordial Concurrence in every Measure you may propose conducive to the Welfare and Happiness of the Province.

Lib. C. B.
No. 20

Gentlemen of both Houses.

I am sensible I shall be judged of by my Actions and not by any Assurances I may now give you of my future Conduct: To that Test I most readily Submit; and shall be truly happy when I leave you, to be able like my Predecessor, to lay my hand on my Heart in Confidence of having acted solely on the Principles here laid down, and of having merited, by so doing, the Thanks of those over whom I have the Honour to preside.

p. 84

His Excellency is likewise pleased to lay before this Board the following Message from the Right honourable the Lord Proprietary, which he was directed to deliver to both Houses of Assembly, as also an Abridgement of the said Message, desiring their Advice and Opinion which of them he should Communicate.

Gentlemen of the Upper and Lower Houses of Assembly.

F. Baltimore

At the same time I introduce your new Lieutenant Governor, permit me to take a becoming leave of his Predecessor. Mr Sharpe has justly entitled himself to my most grateful Acknowledgements, for his many Years faithful Service to me, and, I trust a constant attention to the true Interest of my Province, our Interests are indeed inseparable, and he will ill recommend himself to me, who does not make the Happiness of my Province his first Object.

Mr Eden is, I acknowledge, my Brother-in-Law and endeared to me by the nearest Ties of Affinity, Friendship, and Affection, but could I distrust his abilities or Inclination, to make you a happy People, he is the last Person to whom I would have Delegated my Authority. Receive him then as you find him, Credit us both 'till you have tried him, and if upon experiment, his Merits shall be found to outweigh his

Lib. C. B. Failings, Excuse my Partiality and render him the Justice he
No. 20 shall deserve: I ask no more nor will you return us less.

F. B.

The Approaching Completion of the Divisional Lines between my Province and Pensilvania will mark the Era of my Dominion nor do I wish to see a better Monument raised to your Proprietor's Memory than that event, by which, I hope perpetual Tranquility is Restored and secured to my Province, even though the Proprietor's private Interests should have suffered by it.

Gentlemen of the Lower House.

Your passing the Journal of Accounts has given me the greatest Satisfaction. Be assured I shall always be as Tenacious of your Right as my own nor can I receive a more agreeable Summons than to Meet you at the Foot of the Throne, to Submit our Reciprocal Claims. This Derniere resort I esteem the first Jewell in my Lesser Diadem as there can be no Oppression without redress, and if we Differ, Our Misapprehension will be those of Friends, alike open and Desirous of Conviction.

Gentlemen of both Houses.

Your Councils have flowed with and been regulated by so much Wisdom, Prudence, and Temper, that I have only to recommend it to you to persevere in the same laudable Steps you have so long trod. If any further Progress can be made in the Improvement or Addition procured to the Happiness of my Province do you prepare the Plan and my Encouragement shall not be wanting.

Above all I hope we shall ever continue to approve Ourselves the best of Subjects to the best of Kings; Your Conduct has Authorized me to Suggest this Salutory wish and Advice
p. 85 which though to some Provinces might sound like a reproof, does Justice only to the Moderation Wisdom and Loyalty of Maryland.

Altona February 28th 1769.

F. B.

Whereupon Consideration of the foregoing Message and the Abridgement of the same It is the Humble Advice and Opinion of this Board that his Excellency Communicate the latter.

Tuesday 14th November 1769

Ordered by his Excellency that the present General Assembly of this Province which was appointed to have been held at the City of Annapolis this day be Prorogued until Wednes-

day the 15th day of this Instant there not being a Sufficient Number of Members of the Lower House met in Town to make an House, and a Proclamation issued accordingly. Lib. C. B
No. 20

Wednesday 15th November 1769

Ordered by his Excellency the Governor that the present General Assembly of this Province which was appointed to have been held at the City of Annapolis this day be Prorogued until Thursday the 16th day of this Instant there not being a Sufficient Number of Members of the Lower House met in Town to make an House and a Proclamation issued accordingly.

Thursday 16th November 1769.

Ordered by his Excellency the Governor that the present General Assembly of this Province which was appointed to have been held at the City of Annapolis this day be Prorogued until Friday the 17th day of this Instant there not being a Sufficient Number of Members of the Lower House met in Town to make and an House and a Proclamation issued accordingly.

At a Council held in the Council Chamber on Monday the 20th day of November in the 19th year of his Lordship's Dominion Anno 1769. p. 86

Present

His Excellency Robert Eden Esq^r Governor.

The hon^{ble} { Daniel Dulany Esq^r John Beale Bordley Esq^r
 { John Ridout Esq^r George Steuart Esq^r
 { Walter Dulany Esq^r

Read the Transcript of the Conviction of Negro George (the Slave of Thomas Wright of Ann Arundel County) Condemned at the last County Court held in and for the said County for breaking into the House of a certain Catharine Knowsley and Stealing from thence Sundry Things the Goods and Chattels of the said Catharine Knowsley.

Read also the following Representation of the Justices relative to the said Conviction.

May it please your Excellency.

We beg leave to represent to you that at the County Court now held for Ann Arundel County one Negro George the Slave of a certain Thomas Wright has been indicted arraigned and found Guilty of Burglary at two different Times and

Lib. C. B. Sentence of Death has been passed against him for the same.
 No. 20 The Evidence against him on his Tryal was clear and full and
 coroborated by his own Confession. We are Your Excellency's

most Obedient humble Servants
 Robert Condén Nic^s Worthington
 Th^s Watkins G. Watts

November 18th 1769

Ordered that the Consideration of this Matter be Postponed.

25th November 1769

Ordered by his Excellency the Governor that a Pardon issue on behalf of the abovementioned Negro George which issued accordingly.

At a Council held in the Council Chamber on Wednesday the 20th day of December in the 19th year of his Lordship's Dominion Anno 1769.

Were Present

The hon ^{ble}	{	Richard Lee Esq ^r	Walter Dulany Esq ^r
		Daniel Dulany Esq ^r	George Steuart Esq ^r
		John Ridout Esq ^r	William Fitzhugh Esq ^r

His Excellency is pleased to lay before this Board the Transcript of the Conviction of Michael Mitchell alias Michael Hewitt Condemned at an Especial Court held in and for Ann Arundel County, for the Murder of a certain Mary Cumberland, as also the following Representation of the Judges relative thereto, And having, on Account of the Criminal's being his Cook requested that the Board would take the same into Consideration, withdrew.

p. 87

December 20th 1769

Sir

Inclosed your Excellency has the Proceedings of an Especial Court held by us the 11th Instant, to Try Michael Mitchell for the killing of Mary Cumberland, and also Notes taken of the Evidences Testimony as delivered in Court By which it will appear from the Oath of James Mitchell that Alexander Gordon in giving his Testimony suppressed part of the Truth, having mentioned nothing of his and the Cook's battle by consent out of doors which seems to have been the

cause of the battle being renewed or rather continued in the House. Lib. C. B.
No. 20

We are with all possible Regard and Esteem
Sir Your Excellency's most Obedient hble
Servants.

Dan^l of S^t Tho^s Jenifer
Phil: Tho^s Lee
Rob^t Conden

Whereupon Consideration of the Matter after receiving from the Attorney General Information of the Evidence on which he was Convicted this Board are of Opinion that the Presumption is not sufficiently strong to justify the Governor to carry the Sentence into Execution and therefore advise his Excellency to Issue a Pardon in behalf of the abovementioned Michael Mitchell alias Michael Hewitt on Condition of his leaving the Province immediately on his being discharged from Prison and never to return again, and a Pardon issued accordingly.

At a Council held in the Council Chamber on Saturday the 3^d day of February in the 19th Year of his Lordship's Dominion Anno Domini 1770

Were Present

His Excellency Robert Eden Esq^r Governor

The Hon ^{ble}	{	Daniel Dulany Esq ^r	Walter Dulany Esq ^r
		John Ridout Esq ^r	George Steuart Esq ^r

Read the Transcript of the Conviction of Negro Tom the Slave of a certain Jane Strawbridge of Somerset County, Condemned at the last November Court held in and for the said County for the Murder of Negro Job the Slave of John Williams.

Ordered by His Excellency the Governor with the Advice of this Board that a Death Warrant issue for the Execution of the aforesaid Negro Tom on Wednesday the 4th day of April next which issued accordingly.

20th March 1770.

To

His Excellency Robert Eden Esq^r Governor and Commander in Chief in and over the Province of Maryland.

The Petition of the Subscribers humbly Sheweth unto your Excellency that Jane Strawbridge of Somerset County and Province of Maryland in October in the Year of Our Lord

Lib. C. B. No. 20 Seventeen hundred and Sixty Nine was Possessed of a Negro Man Slave called Tom who was Indicted in the County Court of Somerset in November Term in the Year aforesaid for Committing a Murder on a Negro Man Slave the Property of a certain John Williams of the County aforesaid upon which Indictment the said Negro Tom was arraigned Tried and Condemned of the Charge of the Indictment afs^d but forasmuch as it appeared in Evidence on the Tryal that the said Negro Tom at the time of Committing the Offence afs^d was much Intoxicated with Liquor and that the aforesaid Act was done immediately after the said Tom's being thrown into a Bunch of Briers by the Slain in the Heat of Passion, Your Petitioners therefore pray your Excellency's Clemency in favor of the Prisoner and that you will be pleased to grant him a Reprieve. And your Petitioners as in Duty bound will ever pray.

Jane Strawbridge	William Gullet
William Strawbridge	Joseph Ward
John Bowland	Matthew Ward
James Pope Jun ^r	William Warwick
Archibald Stett	James Furniss
W ^m Mathis	William Fleming
Stephen Heath	John Benston
George Gullet	James Bowland.

Ordered by His Excellency the Governor that a Reprieve issue during Pleasure on behalf of the said Negro Tom, which Issued accordingly.

p. 88 At a Council held at the Governor's on Saturday the 31st day of March in the 19th year of his Lordship's Dominion Anno Domini 1770.

Were Present

His Excellency Robert Eden Esq^r Governor

Daniel Dulany Esq ^r	John Beale Bordley Esq ^r
John Ridout Esq ^r	

His Excellency is pleased to lay before this Board the following Papers desiring their Advice thereon.

A Transcript of the Conviction of Reese Williams found Guilty of a Robbery on the High Way in Queen Anns County, at an Especial Court of Oyer and Terminer held in the said County on the 21st day of February last, which being Read and Considered it was Ordered by his Excellency the Governor with the Advice of this Board that a Reprieve Issue for the

said Reese Williams during Pleasure, which Issued accordingly. Lib. C. B.
No. 20

The Transcripts of the Convictions of Absalom Scott and James (alias Edward) Vickers for breaking open and Robbing the Store of Joshua Clarke of Queen Anns County, of which they were found Guilty at the said Especial Court for the County afs^d which being Read and Considered. His Excellency with the Advice of this Board was pleased to Order that Death Warrants should be Issued for the Execution of them the said Absalom Scott and James als Edward Vickers, on Wednesday the 2^d day of May next, which issued accordingly.

Read the following Petition of Sundry Inhabitants of Somerset County.

To His Excellency Robert Eden Esq^{rs} Governor and Commander in Chief in and over the Province of Maryland.

The Petition of the Inhabitants of Somerset County humbly Sheweth that whereas your Petitioners are well informed that one of the Justices of the County afs^d with some of the Inhabitants have undertaken to recommend a certain Negro Man named Tom the property of M^{rs} Jane Strawbridge lately Condemned in the said County Court for Murther as an Object of Mercy to your Excellency, And Whereas your Petitioners are well assured that the Granting a Pardon to said Negro will have a bad Tendency and Endanger in future the Lives and Properties of the said Inhabitants. Your Petitioners therefore humbly hope that your Excellency will not extend your Clemency to said Negro Tom as it is Notorious his Character has always been that of a Villain of the blackest dye. And your Petitioners as in Duty bound will ever Pray.

Somerset March 23^d 1770.

Signed by Levin Dashiell

W^m Adams

W^m Horsey

W^m Winder

John Adams

Edw^d Waters Jun.

Thomas Dashiell

Henry Lawes

Peter Waters

Esme Bayley, and 73 others, Inhabitants of Som^t County, afs^d

Ordered by his Excellency the Governor with the Advice of this Board that a Death Warrant Issue for the Execution of the abovementioned Negro Tom on Wednesday the 11th day of April next which issued accordingly.

Ordered that the present General Assembly of this Province which stands Prorogued to Tuesday the 8th day of May next be further Prorogued until Tuesday the 7th day of August next and Proclamations issued accordingly.

Lib. C. B. His Excellency is pleased to lay before this Board the fol-
 No. 20 lowing Address from the Lower House of Assembly together
 p. 89 with Sundry Papers and Depositions thereunto annexed, and
 likewise his Answer to the said Address.

To His Excellency Robert Eden Esq^r Governor and Com-
 mander in Chief in and over the Province of Maryland.
 The humble Address of the House of Delegates.

May it please your Excellency.

It is extremely disagreeable to us to find ourselves under a
 Necessity of laying before you our Proceedings against Rich-
 ard Lee junior Sheriff of Charles County. Your Excellency
 will find by the Papers hereunto annexed which we beg leave
 to refer you to that this House did early in their Session, as
 they thought it their indispensable Duty take such Steps as
 were in their Power to gain the fullest and clearest Informa-
 tion concerning the Facts complained of in the Petitions of
 John Doncastle and William Wright And tho' our Inquiry has
 been in part eluded by the Disobedience of the said Richard
 Lee Junior to the Order and Process of this House we are of
 Opinion that the Principal Facts charged in the said Petitions
 are Supported by the Evidence we have been able to obtain.
 The Condition and Size of the Room in which the said Sheriff
 confines his Prisoners for Debt the want of Fire in the severe
 Weather of the last Winter and the Effects thereof on the
 Health of the Prisoners appear from the Report of our Com-
 mittee of Grievances and the Deposition of William Wyat
 Fentham taken before the said Committee, The Fact of tying
 up and whipping the Petitioner William Wright as set forth
 in his Petition we conceive is sufficiently evinced by the Record
 of the said Richard Lee's Conviction and the Fine imposed
 upon him for that Offence in Charles County Court, Further
 Evidence it was in the Power of the Sheriff to have enabled us
 to obtain for the more clear elucidating or refuting the Com-
 plaints contained in the said Petitions and his refusing to do
 so, and declining to appear and abide the Inquiry give us just
 Grounds to infer his Consciousness of the Truth of the
 whole. When we reflect how much in the Power of a Sheriff
 his Prisoners are, and what Opportunities he has from the
 very nature of his Office to Oppress and maltreat them;
 when we find our Fellow Creatures reduced by their Mis-
 fortunes to the Anguish of a Goal, exposed to all the Miseries
 of Cold and Wet in the most inclement Season of the year, and
 one of them over whom the Sheriff had no Lawful Power but
 that of Confining his Person illegally cruelly and ignomini-

ously Scourged by his Order by the Hand of a Slave, and when, upon Complaint made to the Delegates of the People, whose Right and Duty it is to inquire into and present all Grievances of a Publick Nature we find the Sheriff refusing to pay Obedience to Our Process, and to avoid an Inquiry not only absenting himself from his County, where by the Duty of his Station he ought at all Times to be found, and amenable to Complaints, but even from the Province, we hope your Excellency will think us excusable if we feel and express some warmth of Resentment towards M^r Lee, and under these Circumstances we cannot but think it a Justice due to the Public that the said Richard Lee junior should be removed from his Office of Sheriff of Charles County as being unworthy of and unfit for so important a Trust, and we do earnestly request that your Excellency will be pleased to remove him.

Rob^t Lloyd, Speaker

To the Honourable the Lower House of Assembly of the Province of Maryland.

The Petition of John Doncastle a Languishing Prisoner in Charles County Goal, Humbly Sheweth.

That your unfortunate Petitioner on the 5th day of November 1768 were delivered by Charles Somerset Smith Esq^r into the Goal of Richard Lee Esq^r Sheriff of Charles County and the House not finished and leaky in the Roof and so open that the Snow and Rain drove in and the Floor continually wet dropping down on our Beds and the Floor covered with Ice and our Beds and Bed Cloaths continually wet and frequently frozen Stiff that I could have broke my Bed Cloaths like Ice, we wrote to the Sheriff praying for Fire and let him know our Condition the answer was let me hear no needless Complaints. The Cold Winds blowing through the House and the snow driving on us and our Beds, in this Deplorable Condition we Continued till the 24th day of December then the sheriff sent in a Kettle to make a fire in but as there was no Chimney to vent the smoak but a hole in the Door eight Inches wide and Twelve Inches deep it is impossible to describe what we suffered with the Smoak yet we were obliged to bear it or be froze to Death as some of us were frost bit and all sick with a disorder in our Heads and Eyes occasioned by the Smoak and hardship we had suffered with wet and cold and continued in this deplorable Condition till the 27th day of February 1769. then a Runaway Negro belonging to Walter Stoddard who was attempting to break out of the Criminal Room and being discovered by a Negro Man the Sheriff came into the Goal and after he had Cursed and Abused all the Debtors in a cruel man-

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No. 20

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Lib. C. B. ner went out of the Goal and sent in a Gang of his Father's
 No. 20 Negroes and whipt M^r Stoddard's Negro in a barbarous manner as appeared by the Cuts in his Body then they brought him back in Goal and took out a free Mulatto Woman and Whipt her, then they took out William Watts a White Man and Whipt him and then came in a great gang of his Father's Negroes and tyed the Hands of William Wright a very honest Man a Debtor and carried him out and whipt him in a most Barbarous manner as will now appear by the Marks in his Body and then brought him into the Prison with his hands tyed and a Rope about one of his Legs led by Negroes like an Ox to be Slaughtered, the next Morning the Sheriff came to the Prison Door and I prayed him to let me have some Fire to dress my frost bit Legg and Foot which was then very bad but he immediately sent in his Father's Negroes and carried out the Kettles and there I was in a deplorable Condition where I was frost bitten and in great pain and he would not let me have a few Coals in a Chafing Dish to dress my Legg while we had fire it was put out with Water every Night by Sunset a Stopper put in the hole in the Door and seldom open till eight o'Clock next Morning so that we were kept in utter Darkness except what came through a Crevis in the Wall our Wives were not allowed to come to the Goal or Speak to us and when we first came here we were forbid Writing to anybody or receiving any Letters but what were sent to the Sheriff to Read before we received a Letter or sent away from the Prison, I sent three Letters to March Court and desired the Sheriff to give them a Passage to Port Tobacco but he broke them open and Read them to his Mother and Sisters and then destroyed them, there was one to my Wife another Major Jenifer and another to Joseph Courts but none of them came to hand M^r Samuel Hanson sent a Letter with Sundry Papers inclosed in the Letter and delivered it to Lane Posie under Sheriff and Posie gave it to the High Sheriff who broke it open and kept it and the Papers two days before I got it and then some of my Papers missing, but when the hot Weather came he had the Prison Sealed as Close as Possible only two Holes of Eight Inches square and five Barrs of Iron in each hole
 p. 91 and Stoppers to Shut in them not the least Glimmering of Light or Air to be had and them Stoppers shut up at Sun Set and not allowed to burn our own Candles Fifteen Men of us were kept all Summer in a fifteen feet square Room and when the Windows were Stopp'd up Close the heat of so many Men's Bodies and Breaths that we were all but Smothered with heat, it is impossible to describe what we Suffered, an officious hireling Woman in the Prison every Night with a Gang of Negroes and searched all the Debtors Pockets and Breeches and

made the Negroes turn all Our Beds and Bed Cloaths in the wet and dirt and then went out with her Candle and left us in Darkness she stood over my Bed with a Candle in her hand as I was lying sick in bed with my frostbit Leg I had just taken a Sweat which occasioned me catching a bad cold and was very Sick with a bad Fever for a great while after and she told me she would make the Sheriff carry me to the Walnut Tree and Whip me if I was affronted for she knew how to use Prisoners my Frostbit Leg is now very bad and Winter coming on I must certainly Perish for when I take Physick I can get nothing to help me not even warm Water therefore I most humbly pray your Honours will take our Distressed Situation into your Consideration and grant such Relief as you may in your Wisdom and goodness think just and reasonable and your Honours will be pleased to Order a Habeas Corpus to bring me William Wright Ignatius Green Joseph Harrison and the High Sheriff to the Barr of your Honourable House and pray your Honours will Order John Neale of Charles County (Joiner) and William Wyatt Fentham of Charles County who were Prisoners here in the Winter but are now at their Liberty and your poor miserable unhappy and distressed Petitioner as in Duty bound will ever pray.

Lib. C. B.
No. 20

John Doncastle.

To the Honourable the Lower House of Assembly of the Province of Maryland.

The Petition of William Wright a Languishing Prisoner in the Goal of Richard Lee Esq^r Sheriff of Charles County, humbly Sheweth. That your unfortunate Petitioner hath been a long time confined in the said Goal and having suffered so much innocently by the Barbarity of a Sheriff which Barbarity Occasions me to make it known where Relief I hope is to be obtained and Justice Reigns and most humbly begs leave to Represent to your Honours a just and true Account of the usage I have received and by whom I can make it appear to be a just and true Representation of his Tyranny and refer to your Honours on the 27th of February 1769 at Night this Barbarity happened a Negro Fellow belonging to M^r Walter Stoddard being Committed to this Goal as a Runaway confined in the Criminal Room made an attempt to break out being discovered by a Negro belonging to the Family the Sheriff comes in Goal and upon making an inquiry the Goal was broke and he abusing of every one of the Debtors and accused the Debtors with it upon his carrying out the Negro tyed him up and whipped he said that I and one Watts was concerned to excuse himself upon that the Sheriff ordered the Negroes

Lib. C. B. to go in the Goal and Tye William Watts accordingly they
 No. 20 did violently he whipped him then the Sheriff Ordered the
 Negroes to come into the Goal and Tye me accordingly they
 Tyed me around the Wrists and carried me out of Goal
 stripped my Shirt over my Head and Tyed me up to a Walnut
 Tree before his Father's Door and there gave me a Severe
 Whipping I told the Sheriff that it was false Report of the
 Negroes that I neither knew or was not concerned in the
 least in the attempt of the Negroes he paid no Regard to what
 I said I told him he must use his Pleasure when I was carried
 back to Goal they fastened me by the Hands and Feet with
 a Rope like an Ox led to be slaughtered I requested of my
 p. 92 Brother Debtors to look how Barbarously I had been Whipped
 upon their viewing my Back they told me there was eight
 severe Cuts which Caused me many a Nights uneasiness with
 the Pain I endured and threatned me that he would have me in
 Irons and sent a Negro and took Measure of my Wrists and
 much more to increase my Aggrievances he would not suffer
 my Wife to come to the Goal to Speak to me for several Weeks
 nor even allow me the Liberty of Writing to my Friends for
 fear I should discover his Cruel Usage Your Honours will be
 pleased to have me and the following Men brought before your
 Honourable House whom will Justify my Complaint to be the
 whole Truth. My Evidences are *M^r John Doncastle M^r
 Joseph Harrison M^r Ignatius Green and M^r John Neale,
 Joyner the said Neale is now at Liberty. Your Petitioner
 therefore most humbly pray your Honours will take his Dis-
 tressed and Lamentable Situation into your Serious Consid-
 eration and Grant such Relief as your Wisdom and Goodness
 think just and reasonable and thereby prevent a Continuance
 of my Complaint and your Poor miserable distressed Peti-
 tioner as in Duty bound will ever pray.

William Wright
 9^{br} 7th 1769.

By the Committee of Grievances and Courts of Justice
 December 7th 1769.

Your Committee beg leave to inform your Honourable
 House that they examined William Wyatt Fentham who was
 Summoned as a Witness on the Petitions of the Prisoners in
 Charles County Goal complaining against the Sheriff of that
 County and have taken his Deposition which is hereto annexed
 That it appears to your Committee that the Room of the
 Private Goal in which Richard Lee Jun^r Sheriff of Charles
 County detains his Prisoners for Debt is about fifteen or
 sixteen feet square and had not any Fire place therein when

he saw it in September last. All which is humbly submitted
to the Consideration of your Honourable House

Lib. C. B.
No. 20

Signed pr Order.

Ralph Robinson Clk.

The Deposition of William Wyatt Fentham of Charles County being first duly sworn on the Holy Evangelists of Almighty God Deposeth and saith that about two Weeks before Christmas in the year Seventeen hundred and Sixty Eight he this Deponent was Committed to the Goal of Charles County for Debt and that he remained there from that time for the space of Twenty eight, Twenty Nine or Thirty Days when he was released by a Bail Bond, that he was confined in a new House built by the Sheriff about Twelve Miles from the County Goal that John Doncastle and William Wright and several others were confined with him in the same Room That while they were there the Weather was very severe, that the Water came into their Room when it rained and that it there frequently became Ice not having for the whole time that he was with the Petitioners any Fire except one day when a Chafing Dish of Coals was brought to the Wickett and there Continued for about one half Hour to the best of his Memory That while he this Deponent remained there several of his Companions were very Ill occasioned as he apprehends from the Noxious Vapours from the Dampness in the Room and want of Fire, that Doncastle's Leggs were swelled much and that he said he was Frostbit and was affraid that he should lose a Limb This Deponent also further saith that he wrote frequent Letters to the Sheriff acquainting him with their Deplorable Situation but received no redress, that the Sheriff returned for Answer by the Servant Maid that he desired this Deponent to trouble him no more with any of his impertinent Letters for Fire they should not have.

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William Wyatt Fentham.

I do hereby Certify that on Tuesday the fifth of this Instant December I administered a William Wyatt Fentham an Oath to give true Evidence to the Committee of Grievances of his Knowledge of the Facts alledged in the Petitions of John Doncastle and William Wright to the Honourable the Lower House of Assembly.

Lanc^t Jacques Ald^r

Charles County ss^t At a Court of the Right honourable Frederick absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore held at

Lib. C. B. Charles Town in and for the said County on the second Tues-
No. 20 day in and thirteenth day of June in the Nineteenth Year of
Our Dominion &c Anno Domini 1769.

Before the Worshipful

Thomas Stone	Samuel Hanson	Josias Hawkins
Allen Davis	Daniel Jenifer	George Lee
Rich ^d Harrison	George Dent	John Dent and
Walter Hanson	Jos. H. Harrison	Edward Smoot Gentlemen
John Winter	Robert Horner	Justices thereunto

Legally Authorized and

Among other Things were the	} Assigned.
following Proceedings to wit	
F. B. Lord Proprietary	
v	
Richard Lee Jun ^r	
	} Richard Lee Jun ^r Gen ^t Sheriff
	} Philip R ^d Fendall, Clk.
	} Brea. Pea
	} Appears and Submits

Be it Remembered that heretofore to wit the second Tuesday in March last by the Oath of Fifteen Jurors to wit Zaphaniah Turner William Trueman Stoddard, Robert Townshend Hoe, James Greenfield Wood, Richard Tubman Thomas Posey Henry M^cPherson Walter M^cPherson George Keech Daniel M^cPherson Samuel Hanson Jun^r Samuel Marshall, Hezekiah Reeves Thomas Smoot J^r was presented Richard Lee Jun^r Sheriff for a Breach of the Peace on the Body of William Wright by causing Negro Roger Slave to tye up and Whip the said Wright And now here at this day to wit the second Tuesday in June aforesaid the aforesaid Richard Lee in Custody of the Coroner namely Theophilus Yates to the Barr here brought in his proper Person comes and says that he is in no wise Guilty of the Premises above on him imposed yet for that he will not Contend with the Lordship the Lord Proprietary in this part humbly Submits himself to the Court here. Whereupon it is Considered by the Court here that the said Richard Lee Jun^r be fined the Sum of Forty Pounds Current Money by the Court here adjudged and the said Richard Lee be taken &c. upon which into Court here in his proper Person comes Philip Richard Fendall of Charles County Gen^t and becomes Pledges and Security for the aforesaid Richard Lee to pay the Fine aforesaid and the several Fees Arrisen due to the Officers and Ministers of the Court here by Occasion of the Premises.

Maryland Charles County ss^t

I hereby Certifie that the above and within is a true Copy taken from the Records of Charles County In Testimony

whereof I have hereunto set my Hand and affixed the Publick Seal of the County aforesaid this 29th day of November Anno Domini 1769. Lib. C. B. No. 20

Philip R^d Fendall Clk of Ch^s Co^{ty}

By the Lower House of Assembly November 25th 1769. p. 94

Ordered that Richard Lee junior Esq^r Sheriff of Charles County bring before this House on Friday the first day of December next at Nine of the Clock in the forenoon William Wright Joseph Harrison and Ignatius Green Prisoners in his Custody to testify their Knowledge on the Matters complained of in the Petitions of John Doncastle and William Wright preferred to this House and that the Serjeant at Arms attending the House do serve the said Sheriff with a Copy of this Order.

Signed by Order

T. Wright Clk. of C: ho:

I hereby Depute William Prew to serve the within Order Witness my hand this 26th day of November 1769. (Test R^d Lee Jun^r Esq^r) Rob^t Saunders Serg^t at Arms

5th December 1769. William Prew made Oath before me that on Wednesday the Twenty ninth day of November last he left a Copy of the within Order at the House of Richard Lee Esq^r where the within named Richard Lee Jun^r resides as he this Deponent is informed the said Richard Lee Jun^r being in Virginia as he was informed.

R. Ghiselin

By the Lower House of Assembly 7th December 1769.

Ordered that the Serjeant at Arms attending this House do forthwith take into his Custody the Body of Richard Lee Jun^r Sheriff of Charles County and have him at the barr of this House to answer for his Contempt in not obeying the former Order of this House dated the 25th day of November 1769. And also to Answer at the Barr of this House to the Petitions of John Doncastle and William Wright against him complaining of misconduct towards them as Prisoners in his Goal.

Sign'd by Order T: Wright Cl. C: ho:

By the Lower House of Assembly 7th December 1769.

Ordered that John Neale and William Wyatt Fentham do attend this House as an Evidence on the Petitions of John Doncastle and William Wright against Richard Lee Jun^r Sheriff of Charles County.

Signed by Order

T. Wright Cl. C. ho:

Lib. C. B. I hereby Depute Allen Quynn to serve the within Order.
No. 20 Witness my hand this 7th day of December 1769.
Rob^t Saunders Serj^t at Arms.

Allen Quynn makes Oath on the Holy Evangels of Almighty God that he went to the House of Richard Lee Esq^r in Charles County where the within named Richard Lee Jun^r resides as he is informed and that he was told by some of the Family that the said Richard Lee was gone to Virginia and would not return before Christmas.

13th December 1769. R. Ghiselin.

I hereby Depute Allen Quynn to serve the within Order.
Witness my hand this 8th day of December 1769.

N. S. T. Rob^t Saunders Serj^t at Arms.

Sum^d Fentham N E Neale

Allen Quynn.

Gentlemen

December 19th 1770

Your Address of this Morning contains an heavy Charge against M^r Lee Sheriff of Charles County Be assured that I shall immediately Proceed to make a full and strict Enquiry on the Subject for as on the one hand Officers who faithfully discharge their Duty are entitled to my Protection so on the other I shall ever think it Incumbent on me to give the Greatest
p. 95 Discountenance to those who do not.

Rob^t Eden

Ordered that the Clerk of this Board give immediate Notice to Richard Lee Jun Esq^r that they will proceed to make a full Inquiry into the Grounds of the Complaints of John Doncastle and William Wright on Friday the 4th of May next and that the said Richard Lee be directed to give Notice of this Resolution to the said Doncastle and Wright before Evidence that they may attend either in Person or by Counsel on that day to support their Charge and produce what Evidence they can or the Depositions of such Evidences as cannot attend so that the said Depositions be taken in the presence of the said Richard Lee and that the said Richard Lee be acquainted that he will be indulged with the same Liberty.

Ordered likewise that the Clerk of this Board write to all the Members of his Lordship's Council requiring their Attendance on that Day in the Council Chamber at Ten of the Clock in the Morning.

At a Council held at the Council Chamber on Monday the 16th day of April in the Nineteenth year of his Lordship's Dominion Anno 1770. Lib. C. B.
No. 20

Were Present

His Excellency Robert Eden Esq^r Governor

The hon^{ble} { Benedict Calvert Esq^r Walter Dulany Esq^r
 { Daniel Dulany Esq^r George Steuart Esq^r

His Excellency is pleased to lay before this Board the following Letter from the Justices of Queen Anns County.

May it please your Excellency

Queens Town 12 Ap^l 1770

Actuated by Motives as well of Humanity as from the Contrition of Heart with which the unhappy Criminals James alias Edward Vickers, and Absalom Scott now under Sentence of Death appear to be affected (whose Imprisonment has from necessity been attended with particular Hardship) We are induced to recommend them to your Excellency's Mercy. We can assure your Excellency that had not the Indisposition of M^r Thomas Wright's Family prevented his Attendance he would have joined us in the above Application.

We are Sir

Your Excellency's most Obed^t hble Servants

W^m Hopper Turbutt Wright.
Geo. Garnett

Ordered by his Excellency the Governor with the Advice of this Board that Pardons Issue for the abovementioned James alias Edward Vickers and Absalom Scott on Condition of their leaving the Province within ten days from the time of their delivery out of Prison and never to return again. Thereupon Pardons were Issued accordingly. Ordered also that a Pardon Issue on the same Conditions for Reese Williams Condemned at the same Time with the above Criminals, which Issued accordingly.

Ordered that the Clerk of this Board acquaint Richard Lee Esq^r Sheriff of Charles County that the day appointed for hearing of Doncastle and Wright's Complaints against him is put off to Tuesday the 8th day of May next, Notice of which he is directed to give to the Parties concerned in the same manner as was directed by Order of this Board at their last Meeting.

Lib. C. B. At a Council held in the Council Chamber on Tuesday the
 No. 20 8th day of May in the 20th year of his Lordship's Dominion
 p. 96 Anno 1770

Were Present

His Excellency Robert Eden Esq^r Governor.

The Hon ^{ble}	{	Charles Hammond Esq ^r	Walter Dulany Esq ^r
		Benedict Calvert Esq ^r	George Steuart Esq ^r
		Daniel Dulany Esq ^r	John Beale Bordley
		John Ridout Esq ^r	Esq ^r

His Excellency was pleased to lay before this Board the following Letters from Governor Penn.

Philadelphia the 5th of March 1770

Sir

His Majesty having thought proper to commit the future Management of the Indian Trade to the several Colonies I beg leave to acquaint you that the Legislatures of New York and this Province have in order to conform themselves to His Majesty's gracious Intentions respectively passed Laws for appointing Commissioners to meet with those who may be appointed by the Neighbouring Colonies to form and agree on a General Plan for the Regulation of that Trade. But as the good Purposes of this Design cannot be effectually answered without the Concurrence of all the Governments concerned therein; I thought it necessary to take the earliest Opportunity of requesting you will recommend to your Assembly to adopt the same Measure and to cooperate with the other Colonies in promoting the Success of a Matter so essential to the Tranquility and Prosperity of the whole. Governor Colden informs me that he shall lose no Time in communicating this Proposal to the Governor of Quebec; and I am now writing to Lord Botetourt on the same Subject.

I am with great Regard Sir

Your most obedient humble Servant

His Excellency Rob^t Eden Esq^r

John Penn.

Philadelphia April 24th 1770.

Sir

I beg leave to enclose you a Copy of a Letter from Governor Colden to me and also a Copy of one to him from the Governor of Quebec by which you will perceive that those Gentlemen have agreed that the City of New York is the most convenient place for the Meeting of the Commissioners of the several Governments for forming the intended Plan for regulating the Indian Trade and that M^r Colden and his Majesty's Coun-

cil of New York are of Opinion that their first meeting should be on the tenth day of July at that City. Lib. C. B.
No. 20

If you approve of this Proposal and it is agreed that Commissioners of your Government shall attend there at the time appointed; I beg you will be so good as to give me Notice thereof when your Assembly have come to a Result in this Matter that Our Commissioners may receive Instructions accordingly.

I have the Honor to be with great Regard Sir

Your most obedient humble Servant

His Excellency Gov^r Eden.

John Penn

New York April 16th 1770.

Sir

The inclosed Copy of a Letter from Governor Carleton to me will inform you that he has agreed to send Commissioners from that Government to meet those from the other Governments for the purpose of forming Regulations for the Indian Trade, and that he has named this City as the most convenient place for the Commissioners to meet in. Upon this the Gentlemen of His Majesty's Council have advised me as the best Method to save time, to inform you that we are of opinion the first Meeting of the Commissioners should be the Tenth day of July next in this City Which Sir I hope will be agreeable to you and that you will please to forward the Notice to the other Governments concerned as I do at this time to Governor Carleton. I make no doubt the Commissioners from Quebec will be here that day. p. 97

The Hon^{ble} Governor Penn. I have the Honour to be Sir

Your most Obedient humble Servant

Cadwallader Colden

Quebec 13th March 1770

Sir

I have received a Letter of the 6th February last together with a Copy of an Act of the Legislature of the Province of New York, appointing Commissioners to meet such as are or may be appointed by the Neighbouring Colonies in order to fix some general Plan for the Regulation of the Indian Trade. That a concurrence of all the Colonies concerned in this beneficial commerce to regulate the same especially in regard to the vending of Spirits to the Savages, is essential to their several Interests as well as to those of the Mother Country, I am perfectly satisfied and that no Measures may be on our Part neglected towards the obtaining of such a Concurrence I am to assure you that as soon as the Time and Place of Meet-

Lib. C. B. ing are fixed I shall authorize proper Commissioners from
 No. 20 this Province to meet and discuss with those of the other
 Colonies this very weighty and important Business. And as
 the City of New York appears to me of all others the most
 central and convenient Situation for this Meeting I should
 be well pleased it was pitched upon for that purpose and the
 more so as the Commissioners will thereby have it in their
 Power to avail themselves of your advice and assistance in
 framing such Regulations as may best Answer the Intentions
 of Government; when the Meeting is fixed you will be so
 obliging as to give me Notice, that the Commissioners from
 this Province may repair thither without loss of Time

I am with great Regard, Sir

To Your most Obedient & most humble Serv^t
 The Hon^{ble} Cadwallader Colden Esq^r Guy Carleton
 Lieu^t Governor of the Province of New York

[L S] An Act for appointing Commissioners to meet
 with Commissioners who are or may be ap-
 pointed by the Legislatures of the Neighbour-
 John Penn. ing Colonies to form and agree on a general
 Plan for the Regulation of the Indian Trade.

Whereas his Majesty has been graciously pleased to direct
 that the Regulation of the Indian Trade for the Future shall
 be committed to the care and management of the Colonies
 And whereas it is conceived that the good purposes thereby
 intended cannot be fully Answered without the Cooperation
 of the several Legislatures of the Neighbouring Colonies con-
 cerned therein, For obtaining whereof Be it enacted by Hon-
 ourable John Penn Esquire Lieutenant Governor under the
 Honourable Thomas Penn and Richard Penn Esquires true
 and Absolute Proprietaries of the Province of Pensilvania and
 Counties of New Castle Kent and Sussex upon Delaware by
 and with the Advice and Consent of the Representatives of
 the Freemen of the said Province in General Assembly met
 and by the Authority of the same that Joseph Galloway John
 Ross, William Rodman, John Morton William Logan and
 William West Esquires or any three of them be and they are
 hereby appointed Commissioners on the part of the Province
 of Pensilvania and fully authorized and impowered to meet
 and confer with such Commissioners as are or shall be ap-
 p. 98 pointed by the several Legislatures of the Colonies of Quebec,
 New York, New Jersey, Maryland Virginia and the three
 lower Counties on Delaware to agree on a General Plan for
 the Regulation of the Indian Trade.

And be it further enacted by the Authority aforesaid that
 the said Commissioners for the Province of Pensilvania or

such of them as shall meet the Commissioners appointed or to be appointed for the said neighbouring Colonies shall with all convenient speed after such Meeting or Meetings make full and perfect Report or Reports of such Regulations or Plan as they shall agree upon in Conjunction with such other Commissioners as are or may be appointed by the Legislatures of the said Neighbouring Colonies to the Governor and Assembly of this Province for the Time being in order that a proper Law or Laws may be passed if the said Report or Reports shall be by them approved. And be it further enacted by the Authority aforesaid that Provision shall be made for Paying the reasonable Expences which shall accrue on the part of this Province in Performance of the Service aforesaid, when the amount thereof shall be known by some future Act or Acts of General Assembly to be passed for that purpose.

Lib. C. B.
No. 20

Signed by Order of the House
Joseph Galloway, Speaker

Passed by the Governor the 24th day
February in the tenth Year of his Majesty's
Reign Annoque Domini 1770
By his Honour's Command
Joseph Shippen Jun. Sec^{ry}

[Seal] I William Parr Esq^r Master of the Rolls in and for the Province of Pensilvania do hereby Certify the foregoing Law to be an Exemplification or true Copy of a Record remaining in my Office in Book of Laws A Vol^o 5. Page 337 and In Testimony of which I have hereunto set my Hand and caused the Seal of Office to be hereunto affixed this 2^d day of March Annoque Domini 1770.

Will. Parr Mas^r of the Rolls.

Whereupon after Reading the foregoing Papers, and mature Deliberation thereon this Board humbly Advised his Excellency to lay them before the General Assembly at their next Meeting, and to acquaint Governor Penn therewith.

Read the following Petition of James Richards of Baltimore County.

To His Excellency Robert Eden Esq^r Governor of Maryland.

The Petition of James Richard of Baltimore County.
Most humbly sheweth unto your Excellency.

That on the Twenty first day of March in the year of Our Lord Seventeen hundred Sixty and Nine having then thro'

Lib. C. B. your Excellency's most Mercyful Predecessor's Goodness
 No. 20 been Blessed with a most Gracious Pardon of certain Offences therein enumerated, but conditionally that your unhappy Petitioner should depart the Province forty days after the date thereof the usual Clause inserted in Pardons after being discharged from his Imprisonment being omitted in the same Your Petitioner having applied to Council was informed that altho' the Clause aforesaid was omitted yet the Intent could not be otherwise, because until discharged in due form by the Sheriff the Fees of Prosecution for which he stood Committed (as also in Actions of Debt) were paid and the most Gracious Pardon aforesaid produced into Court for Allowance thereof he with safety might well tarry 'till the forty days after the requisites aforesaid were complied with Your Petitioner having ever since caused not the least premeditated offence willing to make use of the opportunity of settling his Affairs in great Confusion thro' unforeseen accidents, his Lands Mortgaged in the Year Seventeen hundred and forty Eight as also lately to the Honble J. B. Bordley Esq^r most Intricate Accounts
 p. 99 demanding his presence, Relying on the Council as above given him, in daily expectation of a Brother's arrival (lately stopped by the hand of Providence) to act in his behalf has at times resided in your Excellency's Government not in defiance of your Excellency, of my Lord's Honourable Council, nor of the Laws of which too audacious presumption your unfortunate Petitioner is incapable but with the intent only of saving out of his almost destruction some trifle to support him hereafter therefore he most humbly doth presume to hope that having as yet no formal discharge as aforesaid nor the other requisites as yet complied with if unfortunately deluded by the Council given him he shall find Commiseration in your Excellency's Generous Breast, and not resentment, because if he has unhappily caused offence it is very innocently and an Act the which any rational being having his preservation in view could not be guilty of. Your Excellency's unfortunate Petitioner being extremely distressed for too many reasons to be Illustrated is this his humble Petition doth with all due Submission Implore your Mercy by the grant of a most Gracious Pardon with some Short allowance of time finally to adjust his Affairs hitherto by him unwarily neglected in expectation of the arrival of his Brother as aforesaid or such other Relief as in your Wisdom deemed meet. And as in Duty bound your Excellency's Petitioner shall ever pray.

James Richard.

Ordered by His Excellency the Governor with the Advice of this Board that a Pardon issue in Behalf of the abovementioned

tioned James Richard with a Condition that he shall depart the Province on or before the first Tuesday in June next and never to return again. Whereupon a Pardon was issued accordingly. Lib. C. B.
No. 20

This day being appointed to take into Consideration the Complaints of John Doncastle and William Wright against Richard Lee Esq^r Sheriff of Charles County the said Richard Lee only attending was called in, who informed this Honourable Board that John Doncastle was not to be found in the Province and that William Wright had timely and regular Notice of this Meeting, as may appear by the following Letter and Deposition, Viz.

May the 1st 1770.

Sir

Inclosed you have the Letter I received from you some time ago for my Father as I have never had a convenient opportunity of sending it and have lately heard that he is not at the place where I expected he was neither does it lay in my Power to inform you where he is as his Brother can give no Account of him and I do not expect he will be this way before the middle of the Summer.

I am Sir, Your most humble Serv^t

To Richard Lee Jun. Esq^r

John Doncastle

The Deposition of Joseph Courts aged Twenty eight years or thereabouts being Sworn on the holy Evangels of Almighty God deposeth and saith that Sixteen or Eighteen days before the Council met to hear the Complaint of William Wright and John Doncastle against Richard Lee Junior Sheriff he this Deponent delivered a Letter to William Wright which was delivered by Richard Lee Jun. to this Deponent to deliver to the said Wright and a few days afterwards he this Deponent informed the said William Wright of the day that Richard Lee Jun^r was to take several Depositions and desired that he would attend at Richard Lee Sen. on that purpose to which the said William Answered that he would not attend. This Deponent further saith that a few days afterwards he gave William Wright Notice again to attend at Annapolis on the day the Council was to set and the said William Wright answered that he should attend there and bring his Witnesses and further this Deponent saith not.

The above Deposition taken before

Samuel Love

Richard Lee Esq^r laid before this Board the following Depositions and Papers in his Defence Viz. p. 100

Lib. C. B. The Deposition of Charles Somerset Smith taken before
 No. 20 me one of the Right Honourable the Lord Proprietary his
 Justices of the Peace for Ann Arundel County this Twelfth
 day of December Seventeen hundred and Sixty Nine.

This Deponent being first sworn on the Holy Evangelists of Almighty God deposeth and saith that he was Sheriff of Charles County part of the year 1765, and 1766, 1767 and part of the year 1768 and that in August 1766 a certain John Duncastle was brought to his Goal and continued his this Deponents Prisoner until November 1768 and that he this Deponent in order to serve the said John Duncastle kept his Goal in Portobacco (the said Duncastle having a Wife and Family residing in that Place) for Twenty Months and upwards at a very great risque and expence and during that time he this Deponent has been informed and verily believes it to be true that the said John Duncastle frequently from his dissolute Behaviour caused the greatest Confusion and uproar among the Prisoners and often advising them to break the Goal and make their Escape which many of the Prisoners did at the said Duncastle's Instigation which run this Deponent to great Expence in repairing the said Goal. This Deponent further saith that a Suit was Commenced against him in Charles County Court for Seven Thousand Pounds of Tobacco on an Escape occasioned by the said Duncastle's advice and persuasion. And this Deponent further saith that the said John Duncastle persuaded the Prisoners not to go to the said Deponent's private Goal which he had built for the greater Security of the Prisoners the County Goal being altogether insufficient which they obstinately refused to go to the said Private Goal until he this Deponent raised a sufficient Force to carry them there And that from the said Duncastle's Advice he this Deponent frequently was obliged to Iron many of the Debtors to prevent their breaking the Prison And this Deponent further saith that the said John Duncastle during his Confinement in Portobacco was so very abusive and his Language so Gross that very few People chose to go near the Prison for fear of the Lash of his Abusive Tongue. And this Deponent further saith that after he got the said Duncastle to his House he let the said Duncastle have the use of one of his best Rooms in his House for a twelve Month the greatest part of which Time the said Duncastle was in a low and languishing Condition and was treated in the same manner as any of his Family for which Treatment he often expressed his Sense of Gratitude till some short Time before he this Deponent's Shrievalty was to end when he the said Duncastle assumed a quite different Tone and took every Method in his power to make himself disagreeable to this Deponent and

his Family and behaved with the utmost Insolence on all Occasions so that he this Deponent was obliged to confine him in the said Goal. for which purpose he this Deponent was obliged to lead him the said Duncastle by the Collar to the Goal and when he got the said Duncastle to the Door of the Goal the said Duncastle Struck him this Deponent in the Forehead with his Fist which obliged this Deponent to return the blow and knocked the said Duncastle some Distance and then this Deponent Horsewhipped the said Duncastle for his Behaviour as aforesaid. And this Deponent further saith that one Ignatius Green of Charles County was a Prisoner sometime in the Goal with Duncastle 'til the year 1766 when an Act passed for his Relief and in order to comply with the Act he this Deponent procured two County Magistrates to examine the said Green and others as to their Effects when the said Green behaved in such a manner as to induce the Magistrates to believe the said Green would perjure himself and that he this Deponent afterwards indulged the said Green to go and bring all his Effects before the Magistrates on his the said Green's promising to return instead of which the said Green absconded for near Twenty Months before he this Deponent could retake him which he this Deponent did at last by way laying him the said Green and after he retook the said Green he committed him to Goal and he this Deponent further saith that he was frequently threatened with Suits for the said Green's Escape his Creditors believing the said Green had sufficient to pay his Debts but concealed them to defraud his Creditors and this Deponent further saith that from his own Knowledge and by good Information the said Green had Considerable Effects wherewith he might have Satisfied his Creditors their Claims or a great part thereof And that the said Green confessed to him this Deponent that he had Sold a Horse after the Act and converted the Money to his own use And this Deponent further saith that the said Green is a most impudent saucy Fellow and capable by Inclination to do any bad Act. This Deponent further saith that the said Green complained against him this Deponent to Charles County Court for False Imprisonment and upon a hearing the Court recommitted him to the present Sheriff of Charles County. This Deponent further saith that the said Green also brought Suit against him this Deponent for false Imprisonment which Suit was Dismissed the said Green's Attorney telling him on the hearing of his Complaint before the Court that he was a Rascal and had deceived him. And further saith not.

Taken before

R Ghiselin

Cha^s Som^t Smith

Lib. C. B. Charles County 25th April 1770. The Deposition of Hannah
No. 20 Woods House Keeper to the Honourable Richard Lee Esq^r
aged Twenty one years or thereabouts being sworn on the
Holy Evangels of Almighty God deposeth and saith that she
has been at the dressing of the most of the Victuals that went
to the Prisoners and saw it dressed in a decent clean manner
and often seen the Victuals delivered to them in good Order
This Deponent further saith that before the Prisoners broke
Goal they had Meat and Bread for their Breakfast. This Depo-
nent saith that all the Prisoners frequently had Cyder or small
Beer at their Meal times and in cold Mornings very often
delivered them a Bottle of Rum by Esquire Lee's Order and
at the time William Fentham was in Goal the Prisoners com-
plained of having the Itch and this Deponent never heard of
any other disorder the Prisoners had while Fentham continued
in Goal. M^{rs} Lee sent to Fentham and Joseph Harrison a pair
of clean Sheets in the time of their having the Itch they sent
them back and thanked her for her kindness and said they
thought it a pity to spoil them with such Disorder. After
Fentham was released from Goal they anointed with Ointment
that they got of John Doncastle which he said he got of his
Son Doctor John Doncastle and that the Ointment had like to
have laid them down in a Salivation and all the time the Pris-
oners lay Ill they had every thing that was necessary for them
that the House could afford such as Broth or Gruel or any
thing that was fit for them in their disorder this Deponent
saith that the Prisoners complained of a leak that fell through
a Dormant Window and immediately Esq^r Lee had the Win-
dow taken down and the place well secured, this Deponent
saith that John Doncastle was continually abusing the whole
Family without any occasion in such a Blackguard manner
that it would not be decent to repeat and this Deponent saw
where the Prisoners cut through a four Inch Plank in order
this Deponent believes to get out, and that William Wright
was taken out of Goal and received Six Stripes and that she
never heard the said Wright complain and when he received
the last Stripe he said it was all and that it was the Sheriff's
Orders that he should receive no more After Watts's wife
had given the Tools to the Prisoners she was not allowed on
the Plantation for some time but a few Months after she was
admitted in Goal to her Husband two or Three Nights at a
time, the rest of the Prisoners' Wives frequently went in Goal
with their Children and staid there some time and the Pris-
oners' Wives have often eat in Esquire Lee's House which he
now lives in.

Hannah Woods.

Charles County ss^t 25th April 1770. The above and within
Deposition was taken before me the Subscriber One of his
Lordship's Justices for the County afs^d

Lib. C. B.
No. 20
p. 102

before, John Winter

Benjamin Branson aged forty two years or thereabouts being Sworn on the Holy Evangels of Almighty God Deposeth that he hath lived several years near Esq^r Lee's and frequently went to his House as a Neighbour and for the year past lived within three hundred yards of his Jail and this Deponent further saith that some short time after the Prisoners were removed from M^r Smith's Jail to 'Squire Lee's that John Doncastle told this Deponent that he was very much pleased with his Change from Smith's Jail to Squire Lee's for he had come from Hell to Heaven and blessed his God that he had once more got among Christians, sometime after this Deponent called at 'Squire Lee's and Squire Lee according to Custom asked me if I would drink a Dram or some Cyder, I in a merry Humour used freedom enough to say I had not eat my Breakfast, M^r Lee laugh'd and said I must wait 'till it was dress't, the Squire asked me if a cut of Bread and Cheese would do? I answered very well, which was ordered to be brought and M^{rs} Lee at the same time went out and presently returned with a Plate of Fresh Beef, hashed as good as ever I saw. M^{rs} Lee told me with a Smile that she had done for me what she had never done for herself for she had Stole that Breakfast for me out of the Prisoners' Provision upon this I told M^{rs} Lee if that was the way she fed her Prisoners I had almost got my own Consent to be a prisoner too, and 'Squire Lee made Answer they should never live worse if they behaved themselves well. Frequently after that when I was at Squire Lee's I have seen exceeding good Dinners carried into the Jail such as good fat Beef and Pork both Roast and Boiled and Raw Sallads Clean Table Linen Plates Knives and Forks and Cyder with their Dinner. I never heard any Complaint till after there was an attempt to break the Jail when Doncastle Wright and some others used to Cavil at the Family and would send very Abusive Messages into the House and used Squire Lee's Housekeeper in a very Blackguard manner whenever she went to carry them Victuals or any thing else. This Deponent further saith he was at Squire Lee's last Fall and Joseph Harrison's Wife was there and M^{rs} Harrison was saying she wanted to go into the Jail to her Husband Squire Lee declined granting her Permission and gave for Reason that it was late in the Night and by such indulgencies the Prisoners had endeavoured to ruin the Sheriff by breaking the Jail with some Tools that were given in by some of the Men's

Lib. C. B. Wives. In the mean time W Wright's Wife came in and asked
 No. 20 me for a Night's Quarters with that the Women went away
 and in a short time after I took my leave of Squire Lee, as I
 went by the Jail Doncastle asked me if I had any Meat and
 Bread in my Pocket for they were starving alive, when I came
 home I was mentioning to M^r Harrison and M^r Wright what
 Doncastle said and they both said they were very sure there
 was no starving there for they saw a great Quantity of Meat
 and Bread carried to the Jail that Evening. The Prisoners'
 Wives and Wright's Mother often lodged at my House and
 they all said there was afterwards great plenty of Good Pro-
 visions And this Deponent further saith that Wright's Mother
 was often complaining of her son's undutiful Behaviour to
 her, and said her son wanted her to make over her Land to
 him which was the only Support she had but she said she
 would be very Cautious of doing that and further said with
 Tears in her Eyes if she did he would use her with no better
 Treatment than he formerly did for he had often times taken
 her by the Throat and Choaked her till she fell down and then
 he would call her a Damn'd Bitch and say that if she was not
 his Mother how he would use her. I have heard his Mother's
 Neighbours say she was a very honest worthy Woman, and
 p. 103 especially M^{rs} Brooke says she is a very honest well meaning
 Woman And this Deponent further saith that she told him her
 son was a very Profligate Idle Body And this Deponent
 further saith that Doncastle came to his House after he was
 released from Jail and abused the Squire's Family in a very
 Gross manner at the same time he agreed with one of the
 Deponent's Sons to carry him to Bryan Town the next day
 after he was at his House notwithstanding his Abuse of Squire
 Lee's Family M^r Robert Young a Merchant at Benedict told
 the Deponent that he saw Doncastle a few days after he was at
 my House and that he extolled Squire Lee very much at which
 he was very much Surprized for he (M^r Young) was very well
 acquainted with Doncastle and that he had before always
 heard him exclaim against all Mankind but he did not think it
 worth any Gentleman's while to mind his Abuse. This Depo-
 nent further saith that Doncastle complained very much that
 the Pork Stunk and was not fit to eat and the Deponent says
 he was at Squire Lee's twice and M^{rs} Lee desired him to inspect
 the Pork that was for the Prisoners' Dinners and he says he
 cut very Deep into the Pork and it was as Sweet as ever he
 tasted in his Life And the Deponent says that when Squire
 Lee went to attend the Council he went with him as far as
 Allens Fresh and 'Squire told him he would take it as a
 favour if M^{rs} Lee should want fresh Provisions for the Pris-

oners that he would procure it for them and not let them want for any thing during his Absence. Before the Squire came home Madam Lee told the said Branson she was almost out of Provisions for the Prisoners and he went immediately and brought a large Fatted Beef for them which Cost the Squire 22/6 p hund^d W^t And further saith not.

Lib. C. B.
No. 20

his
Benjamin B Branson
Mark

Charles County ss^t 25th day of April 1770. The above Deposition was taken before me one of his Lordship's Justices of the Peace for the County aforesaid

Jn^o Winter.

Charles County April 25th 1770.

The Deposition of Joseph Waters Aged thirty one or Thereabouts being Sworn on the Holy Evangels of Almighty God Deposeth and saith that on the fourteenth day of March One Thousand seven hundred and Sixty Nine he was Committed to Goal to Richard Lee Jun^r Sheriff on several Suits and continued there till the twelfth day of November following. When this Deponent first came to Goal John Duncastle told him he should be starved alive and that this Deponent had better break the Goal and go out. Duncastle William Wright and Ignatius Green said they had been fed on Great Hommony and Fish for several days This Deponent was very much surprised at it and after some Consideration asked M^r Joseph Harrison if that was the Truth he said there had been some Alteration made a few days this Deponent asked him the Reason and he said the Prisoners had used the Sheriff extremely Ill in striving to break out of the Goal wherein there was one Criminal and several Runaways and Debtors. Harrison and all the Debtors told this Deponent they had been used extremely well from their first coming to the Goal until they attempted to break out, and Harrison said he and Doncastle told the Sheriff they knew nothing of their breaking out and there had been no alteration with them. Harrison and all the Prisoners told this Deponent that they never dined with less than three or four Dishes of good roast and boiled Meat besides Pudding and other rarities from their first coming to the Goal till they strove to break out. This Deponent for five or six days when he first came to Goal was fed on good Scotch Herrings and Great Hommony and heard Esq^r Lee's Housekeeper say that M^r Lee was very sorry that he could not use the Prisoners better that came in last as well as he could wish for they were not in fault. From that till I was discharged from Goal the Prisoners was

Lib. C. B. fed on good Bacon and Pork and good Beef and Greens or
 No. 20 good Peas soop, good fresh Rock Fish Boiled and Buttered or
 Fried and often fresh Lamb, the Prisoners had frequently
 Cyder twice a Week a large Buckett full at a time till late in the
 p. 104 Summer. This Deponent further saith that the Prisoners never
 applied to any of Esq^r Lee's Family for Tea or a Dram or any
 thing else but they readily had it sent them, the Prisoners had
 three or four Boys or Girls to tend on them and the Prisoners
 never called them to fetch Water or any thing else if Esq^r Lee
 heard he immediately made them see what was wanting. We
 always had Water to wash the Goal and scald the Bedsteads
 when we wanted it. When the Weather grew hot the Pris-
 oners complained there was not Air enough and I wrote to the
 Esquire about it and he immediately had another Window
 Cut and the Window Shutter left open of a Night but for all
 this usage Doncastle often persuaded this Deponent that he
 had better break Goal and go out. There never came a Stranger
 Committed to Goal but Doncastle persuaded them they had
 better break out for they would starve alive. M^{rs} Lee was so
 kind when she heard any of the Prisoners was sick she sent
 them Tea Coffee Good Broth or Panado and good Beer to
 drink. All this usage would not satisfy Doncastle and Wright
 they often said they would Sue the Sheriff and ruin both his
 Purse and Character and all his Family. If any Strange Gen-
 tleman came to Esq^r Lee's House Doncastle kept continually
 hallowing telling them they were all Starving alive at the same
 time there was a great Quantity of Provision in the Goal and
 between Meals the Prisoners gave a large Quantity of Meat
 out of the Goal to the Negroes. All this kind treatment would
 not Satisfy Doncastle he kept a large Quantity of Beef and
 Bread in the Goal for ten or twelve days drying in the Goal
 and then sent it to Portobacco for the Gentlemen to look at.
 Doncastle was continually abusing Esq^r Lee and all his Family
 saying old Lee was a old Damned Roguish son of a Bitch and he
 had always kept better Company than he or any of his Family,
 he called M^{rs} Lee nothing but old Jezable dry bones for an old
 Damned Bitch and the Sheriff a Crack brained Whipping Dick
 for a son of a Bitch and the young Ladies whores or Bitches
 when he saw them within the yard. Esq^r Lee's Housekeeper
 came frequently to the Goal to ask if all was well and Don-
 castle used to Abuse her in so blackguard a manner she could
 not stay neither would any Person hear it if they had any
 Modesty in them. He often abused me very much because I used
 to Chide him in telling him he had no Right to abuse the Family
 for the kind treatment he and all the Prisoners received from
 their tender Hands. This Deponent has heard Doncastle say he
 would write a History and it should contain a large Quantity

and he would send it to the Printer in Virginia and have it printed and all Maryland and Virginia should have it to Read and he would let the world know that Esq^r Lee was an old Roguish son of a Bitch and that he and the forerunners of his Family was Damned Rogues and Close hearted hogish Sons of Bitches. To this Deponent's Knowledge he wrote a remarkable Quantity of Letters and sent to Portobacco for his Wife to send by the Post to Annapolis and several other Gentlemen and this Deponent was informed M^{rs} Doncastle broke one of the Letters open and saw it was ridiculous she would not send them and she desired the Bearer of them Letters to bring her no more for if M^r Doncastle was at home he would be glad to sop his Bread in the Bottom of the Dish in the fat that run out of the Bacon when it was Cut. This Deponent has often heard Wright say that if he did not get his ends of the Sheriff while he was in Goal after he got out he would make Friends to get Cash to Sue the Sheriff in the Provincial Court and he would follow him up 'till he ruined him and his Family and he did not doubt but he could get Cash enough out of the Sheriff to pay his Debts. There was so great a plenty of Provision in Goal that it was often threw into the Necessary hole for the Hogs to eat the Deponent persuaded them they had better send it back, the Negroes would eat it, they said if they should return it they should not have such a plenty any more. I was told by Ignatius Green that Wright was upwards of half a Day a cutting through the Goal with a Cutter Knife about ten days before the Sheriff found their last attempt of breaking the Goal but Wright did not succeed in his attempt and Green further said the Prisoners all knew of it and did not tell the Sheriff of it and I have been informed that Wright Stole a good Pocket Book from one of the Prisoners and sent it home by his Mother and there was a great many Papers of great Consequence in it and he concealed them all. This Deponent was at Ignatius Gardiner's and Luke Gardiner told him he had lent Wright Cash to Sue the Sheriff in the Provincial Court. I asked Gardiner if he was acquainted with Wright and he said he was very well I asked him about his Character and he told me he was a very Worthless Quarrelsome Lazy Fellow to his Family as well as strangers. From this Deponent's first coming to Goal the Prison never Leaked more than twice and then but a few drops and it was remarkable Windy it was in June and on the Eighth day of September but we received no Damage by it there was so much Room we put our Beds out of the Leaks The Deponent further saith that he knew several of the Prisoners' Wives to continue in Goal two Nights at a Time and they always said they were used very well out of

Lib. C. B.
No. 20

p. 105

Lib. C. B. Goal at Esq^r Lee's and when they were in Goal they always eat
No. 20 with the Prisoners.

Joseph Waters son of Jos.

Charles County ss^t 25th April 1770. The within Deposition was taken before me one of his Lordship's Justices of the Peace of the County afs^d

John Winter.

A true description of the largeness of the Private Goals in Charles County.

Richard Lee's Esq^r 24 feet long and 16 feet wide, one hole in the Door 13 Inches long by 9 Inches wide, Two holes in the Porch Door 6 Inches long by 5 wide, three Windows two of them 8 Inches Square one Window 13 Inches Square and Partition Wall to make a Room 16 feet by 8 for the Criminals with a Lock and Key to it. Cap^t John Howard's 19 feet 10 Inches long by 12 feet wide One Window 9 Inches long by 7 wide, 2 light Holes 5 inches long by 2½ wide. M^r Thomas Hungerford's 16 feet long by 16 wide, the hole in the Door 9 Inches by 10. M^r John Fendall's 24 Feet long by 16 wide, two Windows 13 Inches long by 6 wide, one Window 7 Inches Square. Cap^t George Dent's 16 feet Square, one Window 8 Inches Square, and six Auger holes. Col^o George Dent's Goal is down and Cap^t George Dent says it was 14 feet long by 12 wide. Col^o Allen Davis's 20 feet Square, one Window 1 foot Square. M^r Charles Somerset Smith's is down, I have been told by one of his Family that it was 16 feet long by 12 wide with one small Window. Samuel Hanson's Esq^r 16 feet long by 12 wide. M^r John Hanson's 24 feet long by 16 wide and one Window, neither of the abovementioned Goals have got a Chimney.

Charles County 25th of April 1770 Came Joseph Waters Jun^r and made Oath on the holy Evangels of Almighty God that the within Description of the Goals within mentioned are true except the Goals of M^r Charles Somerset Smith and Col^o George Dent and the Description the Two Goals within mentioned was given him by Cap^t George Dent and one of M^r Smith's Servants.

Joseph Waters son of Jos.

Charles County ss^t The above Deposition was taken before me this 25th April 1770

John Winter.

Sir

Lib. C. B.
No. 20

I received yours acquainting me that as the Bearer Mr Joseph Waters is to appear before the Governor and Council as an Evidence in behalf of your Son relative to the Complaints of some of his Prisoners and as he is an entire Stranger to the Governor and Council you are desirous I would write you what I know of his Behaviour and whether he does not Support the Character of an Honest Man. In Answer to which request I am very ready Sir to declare what I know of the young Man especially as I am of Opinion Justice done his Character ought to gain ample Credit to his Evidence which I hope will be of such a nature that the Complaints made against your Son will appear to be the Fictions of a Peevish and groundless Discontent. As to this young Man Joseph Waters he is the Son of Joseph a parishioner of mine who I am well satisfied has with dutiful pains brought up his Children in the Principles of Piety and virtuous Industry and altho' it be too apparent his son Joseph's present Circumstances are not the natural fruits of such an Education yet I am far from thinking he has ever acted intentionally upon different Principles but know he has been partly reduced by Sickness and I am apt to believe upon credible Information partly by the unsuspected Injustice and Cunning of others who have made a Prey of his honest Simplicity. His apparent orderly Behaviour from his Childhood when I had every Sunday almost an opportunity of observing at Church and at other times at his Father's House and elsewhere long ago pre-engaged my Opinion in his favour which induced me some few Years past and soon after he set up as a House Carpenter to employ him to do me some Jobs, I then became more intimately acquainted with him and found he did not falsify my former opinion for I experienced him to be not only a diligent and faithful Workman but a Sober honest Lad and one that paid a strict Regard to Veracity and I must say further I never heard any one worthy of Credit say any thing of him inconsistent with this Character but a great deal in support of it. As to William Wright's whom you mention in a Postscript tho' I understand he has sometime lived in my Parish yet it is in a distant Corner where I have seldom had occasion to Visit and have no manner of Knowledge of him but expecting the pleasure of hearing that your Son shall make it appear that his and the Complaints of his Confederates are mere Calumnies, I remain with great Respect Sir,

p. 106

To

Your most Obed^t & humble Serv^t

The Honble Richard Lee Esq^r

Isaac Campbell

May 4th 1770

Lib. C. B. Charles County 25th of April 1770. The Deposition of George
 No. 20 Scrogin Aged forty four years or thereabouts being sworn on
 the Holy Evangels of Almighty God Deposeth and Saith that
 he hath been at Richard Lee Jun^r Goal several different times
 and saw a great plenty of Victuals handed to the Prisoners in
 Goal such Victuals as this Deponent thinks he could very well
 Breakfast or Dine upon This Deponent further saith that a
 Negro Girl came to M^{rs} Lee and informed her that the Pris-
 oners could not eat Hommony upon which she Ordered hot
 Bread for them which was sent to the Prisoners and told the
 Maid to give them a Plenty. This Deponent saith that the above
 happened while John Doncastle and Will Wright was in Goal.
 Sworn before
 John Winter

Charles County ss^t 25th April 1770. The Deposition of Wil-
 liam Watts aged thirty Seven years or thereabouts being
 sworn on the Holy Evangels of Almighty God Deposeth and
 Saith that on the Second day of January 1769 he was brought
 to Goal to Richard Lee Junior Sheriff and continued there
 until some time in March 1770 This Deponent had not been
 in Goal above three or four Days when one William Wright
 then a Prisoner applied to him to Break Goal for which he
 then gave him a Silk Handkerchief and told this Deponent
 before Ignatius Green and John Nail that if he would get
 Tools he the said Wright would Break out upon which this
 Deponent applied to his Wife to bring Tools for that purpose
 which was accordingly done and delivered by the Deponent's
 Wife to William Wright. Two or three days after this De-
 ponent found several holes in the Prison made by William
 Wright and informed Wright that if he made his Escape M^r
 Lee would lay all the Blame on him upon which Wright replied
 that he would be Damned if M^r Lee should know that he knew
 any thing about it, but this Deponent being very uneasy took
 all the Tools and gave them to his Wife and desired her to
 carry them away which she accordingly did. Immediately after
 the Tools was carried away Will applied to the Deponent and
 his Wife at several different Times for the Tools again and
 the Deponent told William Wright that he would never Con-
 sent to have them brought again. A small time after William
 p. 107 Wright prevailed on this Deponent's Wife to bring the Tools
 back again which was a Chisel and a Gimblet and asked this
 Deponent for his Knife to lend a Negro that was in Goal to
 assist him in Cutting through the Goal but this Deponent
 refused to lend him his Knife and Wright replied that the
 Negro should have his Knife and accordingly gave him two
 Knives. This Deponent further saith that the next day after

Dinner William Wright told him the Goal was broke and asked him if he would go out but this Deponent refused to go out of Goal. About half an hour after this a Negro of Esq^r Lee's found that the Goal was broke and the Negro made a Noise upon which Wright brought the Tools immediately to the Deponent which Tools was hid by the said Wright M^r Lee immediately came in the Goal with several Negroes and enquired who was the Person that broke the Goal and several Prisoners informed him that William Wright and a Negro broke the Goal. M^r Lee asked Wright why he used him so ill in breaking his Goal as he knew there was Criminals in there and what he intended to do with them. Will Wright told the Sheriff that he intended to order them to stay in Goal until he returned which would be in three or four days and that he had a right and would break Goal whenever it was in his Power upon which M^r Lee took him and had him given Six Stripes and then brought him back in Goal and Wright said immediately and as soon as he could get his Liberty and meet with M^r Lee he would beat him. One of the Prisoners asked Wright if he should kill him upon which Wright said let him Die and be Damned. After that day none of the Family could walk to the Kitchen without being used by Wright and Doncastle with Blackguard Language whenever he saw M^{rs} Lee he would call her Jezable dry bones and the Sheriff Whipping Dick. This Deponent further saith that Doncastle hath often advised him to break Goal and that he would recommend him to a Brother of his in Virginia where he might live and the Sheriff never hear of him, and that from the time he came to Goal until he was released the Prisoners always had a plenty of Provision a hot Meal of Meat once every day and Milk and Bread or Hommony and Fish for their Breakfasts. This Deponent saith Doncastle kept Beef several days in Goal and then sent it to Port Tobacco to shew the Gentlemen and at the time this Deponent came in Goal the Prisoners had no other disorder but the Itch which was a few days after Fentham was released.

Lib. C. B.
No. 20

his
William X Watts
Mark

Charles County ss. 25th April 1770.

The above Deposition was taken before me one of his Lordship's Justices of the Peace for the County aforesaid.

John Winter

Charles County ss^t 25th April 1770 The Deposition of Mary Watts aged Twenty seven years or thereabouts being sworn on the holy Evangels of Almighty God Deposeth and saith that on the second day of January 1769 her Husband William

Lib. C. B. Watts was brought to Goal and a few days after he was in
 No. 20 Goal she came to see him and that her Husband and William
 Wright applied to her to bring Tools to them in Goal to break
 it open which she accordingly did and delivered them to Wil-
 liam Wright. In a few days after this Deponent came to the
 Goal again and her Husband delivered her the Tools again
 and desired that she would not bring them to Wright. Will
 Wright a very little time afterwards applied to this Deponent
 to purchase a large Gimblet from Port Tobacco but this De-
 ponent did not purchase any as Wright did not pay her the
 Cash for it as he Promised. This Deponent further saith that
 William Wright applied to her several times for Tools to
 break the Goal and upon Persuasion of the said Wright this
 Deponent delivered to Jane Turner a Criminal a Chizel and
 Gimblet. This Deponent was hired to Esq^r Lee at the time the
 Goal was broke open and believes that Wright broke open the
 Goal with the Tools that she gave him. At any time before the
 Goal was broke open this Deponent was admitted to her
 Husband but after the Goal was broke open she was not ad-
 p. 108 mitted on the Plantation for some time. This Deponent further
 saith that she heard Ignatius Green tell William Wyatt Fent-
 ham at March Court at Port Tobacco that at the Time the
 Prisoners was breaking the Goal that he continued Dancing
 the whole time to drown the Noise.

her
 Mary X Watts
 mark

25th April 1770. The within Deposition taken before me one
 of his Lordship's Justices of the Peace for Charles County.
 John Winter

Ignatius Middleton being sworn on the Holy Evangels of
 Almighty God Deposeth and Saith that at March Court in the
 year 1769 he was applied to by the Deputy Sheriffs to Victual
 several Prisoners which he accordingly did two Meals a Day
 and found them Bed Cloaths when they stayed in Town of
 Nights.

May the 5th 1770. Certified and Sworn before J. Hawkins.
 Belain Posey aged thirty years being duly Sworn on the Holy
 Evangels of Almighty God Deposeth and Saith that he was
 last Christmas at Richard Lee Esq^r where Charles County
 Goal was kept, the said Lee told him several of the Prisoners
 were to be released by Virtue of a late Act of Assembly and
 desired him to take with him a former Act of that kind and

read it to them they might know the Terms they were to get out on; that he this Deponent complied with the request and whilst he was reading some of the Prisoners interrupted him several times and appeared in Liquor; that John Doncastle one of the Prisoners desired him this Deponent to walk to another Window for he wanted to have some Conversation with him that he went accordingly when Doncastle seemed in a very good Humour and told him with Tears in his Eyes that the Prisoners were using both themselves and the Sheriff Ill, for they were Drunk but for his own part he had been Eating the Sheriff's Victuals and drinking his drink and that he hoped it would be in his Power to make him Satisfaction for it And further asked the Deponent if he did not remember a Writ Served on him the said John Doncastle at the Suit of Daniel Jenifer when a Prisoner to Charles Somerset Smith late Sheriff and further said it was a Shame, on a fair Settlement of their Accounts he would owe him at least Two hundred Pounds And further saith not.

Lib. C. B.
No. 20

Belain Posey.

Charles County ss^t 25th of April 1770 The above Deposition was taken before me One of his Lordship's Justices of the Peace for the County aforesaid

John Winter

Charles County ss^t We the Subscribers Inhabitants of Charles County having at the request of Richard Lee Esq^r Sheriff of said County viewed the County Goal of the County aforesaid find it altogether out of Repair and Insufficient and that the Sheriff could not safely attempt to confine therein any Debtor or Criminal Committed to his Custody.

Given under Our hands

The County Goal is not in repair fit to Detain Prisoners in Safe Custody nor can it be put in such Repair for the Sum allowed by Act of Assembly

Walter Hanson

W. Smallwood
Archibald Clarke

Rob^t Mundell

Dan^t Jenifer

James Key

Ja^s Craik

Barnes & Ridgate

John Craig

Gerrard Fowke

Phil: R^d Fendall

The following are Transcripts of the Records of the Prison- p. 109
ers Debts in Charles County Goal

In the Records and Proceedings of the Provincial Court April Term 1766 is the following Judgm^t Viz.

Lib. C. B.
No. 20

William Cunningham
ag^t
John Duncastle

} Judgment was rendered for the
Plaintiff against the Defendant for
as well the Sum of Five Thousand
seven hundred and Eighty four
Pounds fifteen Shillings and three pence half penny Current
Money a certain Debt as the Sum of One Shilling Currency
and One Thousand two hundred and Ninety two pounds and
one half Pound of Tobacco Costs of Suit.

Test, Reverdy Ghiselin, Clk.

Susannah Hagan } August Court 1767.

Arthur Savoy } Dam^s 850^{lbs} Crop
Costs on Judgm^t 333^{lb} Tob^o
Committed on Execution
Phil R^d Fendall, Clk.

June Court 1768

Michael Lowe } Dam^t £7..6..1 Curr^y Costs 206^{lbs} Tob^o
a }
Joseph Harrison } Execution.

Thomas Hartley and Co ^a	} Dam ^t £33..2..5 2/3 Ct. Money Costs 323 lbs. Tob ^s Execution
Joseph Harrison	

Geo: Scott for the use of	} Dam ^s £23..14..1½ Curr ^y
Michael Lowe	
a	
Joseph Harrison	Costs 546 lbs. Tob ^o
	Execution

James & Allen Scott } D^t £29..13st
a } Costs 235^{lbs} Tob^o
Joseph Harrison } Execution

Thomas Sappington } Dam^s £4..16 C^t Money
a } Costs 196 lbs. Tob^o
Joseph Harrison } Execution

Same. } D^t lbs. 1262 Crop
a } Costs 196 Tob^o
Same. } Execution

Test Phil R^d Fendall Clk.

November Court 1768.

Judson Coolidge and C ^o	} Dam ^s £15..14..5½ Ct Money
a	
William Wright	

Lawrence Spencer } Dam^s £14..4..8 Ct Money
a } Costs 2/. 1737^{lbs} Tob^o
William Wright } Execution & Committed.

June Court 1768

John Glassford and C ^o	} Dam ^s 289½ ^{lbs} Crop & £2..8..2½ Cur ^y	Lib. C. B. No. 20
a		
John Nail	} Costs 386 lbs. Tob ^o	
John Glassford and Co.		
a	} D ^t 6880 Crop	
Ignatius Green		
	} Execution	
	Test Phil R ^a Fendall Clk.	

March Court 1769

Lord Proprietary	} Presentm ^t appears & Submits	
a		
William Watts	} fined lbs. 2000 Tob ^o	
Lord Proprietary		
a	} Felony	
Negro Guy Slave of		
Mary Brown	}	
Lord Proprietary		
a	} Felony	
Negro Sam Slave of		
Mary Brown	}	
Lord Proprietary		
a	} Felony.	
Jane Turner		
	Test Phil R ^d Fendall, Clk.	

William Wright one of the Complainants not appearing in Consequence of the Notice given him, the Witnesses attending on behalf of M^r Lee were called in and Examined Viva voce whose Evidence Concurred with the several Depositions heretofore Entered.

Whereupon the further Consideration of this Matter in expectation that William Wright may come to Town some Time this Day is postponed until to Morrow Morning Nine of the Clock to which Time the Council Adjourns.

Wednesday the 9th of May 1770

The Council met according to Adjournment

p. 110

Present as yesterday

The Address of the Lower House of Assembly with the Papers and Proofs referred to therein and the several Depositions taken in pursuance of the Order of this Board and the Evidence of the Witnesses examined viva voce on the Subject of the Complaint against the Sheriff of Charles County having been read heard and considered it is the Unanimous Opinion

Lib. C. B. of this Board that there are not sufficient Grounds arising
No. 20 from the Behaviour of the said Sheriff to inflict a further
Punishment on him by removing him from his Office.

Read the Transcript of the Conviction of Samuel Pelton
found Guilty of Murder at the last Provincial Court, as also
the following Letter from the Justices relative thereto.

May it please your Excellency

At the present Provincial Court one Samuel Pelton has been
indicted arraigned and found guilty of the Murder of a certain
Abraham Kellor of Frederick County and Sentence of Death
has been pronounced against him. He was convicted on full
positive proof by two Witnesses. A Transcript of the Record
is ordered to be laid before you. We are Sir.

Your Excellency's most Obedient
humble Servants.

May 2^d 1770.

W^m Hayward
Philip Thomas Lee.

Whereupon it was Ordered by his Excellency the Governor
with the Advice of this Board that a Death Warrant issue for
the Execution of the aforesaid Samuel Pelton on Friday the
25th of this Instant May, which was issued accordingly.

At a Council held at the Governor's on Friday the 29th Day
of June in the Twentieth year of his Lordship's Dominion
Anno 1770.

Were Present

His Excellency Robert Eden Esq^r Governor

The Hon ^{ble}	{	Daniel Dulany Esq ^r	Walter Dulany Esq ^r
		John Ridout Esq ^r	George Steuart Esq ^r

Read the Transcripts of two Convictions of Negro Abra-
ham the Slave of a certain Thomas Bond of Saint Marys
County One of having broke open the House of Elias Smith of
the same County and stealing from thence Sundry Bills of
Credit of the Province of Maryland of the Goods and Chattels
of the said Smith; And the other of having attempted to
Ravish and carnally know a certain Eleanor Bryan of Saint
Marys County Spinster against the Will of her the said Ele-
anor; by which said Transcripts it appears that Sentence of
Death hath been passed on him the said Negro Abraham by
the Justices of Saint Marys County at the last County Court
held in and for the said County.

Read also the following Petitions of Eleanor Bryan Elias Lib. C. B.
Smith and Thomas Bond in behalf of the aforesaid Negro No. 20
Abraham.

To His Excellency Robert Eden Esq^r

May it please your Excellency

That at Saint Mary's County June Court last a certain Negro Abraham the property of a certain Captain Thomas Bond of said County was indicted and Convicted upon (as I believe) a Confession extorted from him upon a Whipping p. 111 inflicted on him by his said Master as I could not Swear to the Identity of the Person of an attempt to Ravish me a Copy of which Indictment and Confession I presume your Excellency has seen and as I am not willing said Negro should be Executed for the Crime aforesaid I now apply to your Excellency in his behalf entreating you to Pardon him upon his Master's Transporting him out of the Province As I cannot in such Case be under any apprehension of any the like attempt from him.

I am

Your Excellency's most Obed^t & most hble Serv^t

Saint Marys County

Eleanor Bryan

June 24th 1770.

To His Excellency Robert Eden Esq^r

May it please your Excellency.

That at Saint Marys County June Court last a certain Negro Abraham the property of Captain Thomas Bond of said County was upon a Confession of the said Negro extorted from him by Whipping inflicted on him by his Master indicted and Convicted of breaking open my Bar and Stealing thereout Sundry Pieces of Money, the Record of which I presume your Excellency has seen and as I should be extreme sorry said Negro should suffer Death on that Account I now apply to your Excellency entreating you to pardon him for the aforesaid Crime.

I am, Your Excellency's most Obed^t & most hble Serv^t

Saint Marys County

Elias Smith.

June 26th 1770.

To His Excellency Robert Eden Esq^r

May it please your Excellency.

At Saint Marys County June Court last a certain Negro Abraham my property was upon his own Confession extorted by Whipping Indicted and Convicted on Two Indictments the

Lib. C. B. one for attempting to Ravish a certain Miss Eleanor Bryan,
No. 20 the other for breaking open the Bar of a Tavern Keeper M^r
Elias Smith, Now as both Miss Bryan and M^r Smith are very
desirous of your Excellency's Pardoning the Negro upon my
Transporting him out of the Province, I hereby Engage should
your Excellency think proper to Pardon him that I will im-
mediately Transport him out of the Province, and I am
Your Excellency's most Obed^t & most hble Serv^t
Saint Marys County Thomas Bond.
June 27th 1770.

Whereupon Consideration of the Premisses it is Ordered
by his Excellency the Governor with the Advice of this Board
that a Pardon issue in favor of the aforesaid Negro Abraham
Conditioned that he shall leave the Province within ten days
from the Time of his delivery out of Goal and never return
again, which was issued accordingly.

Ordered by His Excellency the Governor with the Advice
of this Board that the present General Assembly of this
Province which stands Prorogued to Tuesday the Seventh day
of August next, be further Prorogued until Monday the 24th
Day of September next, and Proclamations issued accord-
ingly.

p. 112 At a Council held at the Governor's on Monday the 2^d Day
of July in the Twentieth year of His Lordship's Dominion
Anno Domini 1770.

Were Present

His Excellency Robert Eden Esq^r Governor

The Hon^{ble} { Daniel Dulany Esq^r Walter Dulany Esq^r
John Ridout Esq^r George Steuart Esq^r

Read the Transcript of the Conviction of Negroes Jack
Wood, Davy and Jack Crane, Condemned at the last Prince
Georges County Court for having Murdered a certain William
Ellson of said County. Read also the following Representa-
tion of the Justices, relative to the said Murder.

Upper Marlbro' June 28th 1770.

May it please your Excellency.

Negroes Jack Wood Jack Crain and Davy of this County
have been Indicted before us for the Murder of William Ell-
son, the first for having given the Mortal Wound the two
others as Aiders and Abettors and upon an impartial and
legal Tryal found Guilty. Wood was Condemned upon his
own Confession frequently and willingly made, and Crain and

Davy upon the Evidence of Negro Webly of their having with Wood preconcerted Ellson's Murder and their own free Confession of their presence at the Time the Fact was Committed and Assistance in endeavouring to Conceal the Murder tho no Evidence of their Striking. It seems to be the Opinion of many Gentlemen of the County as well as our own that it would be very proper to Execute the Legal Sentence on these Criminals in its full Rigour. We therefore beg leave to intimate this Matter to your Excellency that no part of this Sentence may be remitted unless your Excellency should think it expedient to order otherwise. We have Ordered the Clerk to transmit your Excellency a Transcript of the Proceedings, and are

Lib. C. B.
No. 20

Your Excellency's most Obedient Servants

John Cooke

David Craufurd

Jos^a Beall

Alex^r Symmer

W^m Lock Weems

Jos: Sprigg.

Whereupon his Excellency with the Advice of this Board was pleased to Order a Death Warrant to issue for the Execution of Negro Jack Wood on Wednesday the 4th day of this Instant July pursuant to his Sentence and also a Death Warrant for the Execution of Negroes Davy and Jack Crain on the same Day and pursuant to the Sentence passed on them except that part thereof which directs their Right Hands to be Cut off, the same being remitted to the aforesaid Negroes Davy and Jack Crain. And Death Warrants were issued accordingly.

At a Council held at the Governor's on Sunday the 15th day of July in the Twentieth year of his Lordship's Dominion Anno Domini 1770. p. 113

Were Present

His Excellency Robert Eden Esq^r Governor

The Honble { Benedict Calvert Esq^r Walter Dulany Esq^r
 { John Ridout Esq^r George Steuart Esq^r

His Excellency is pleased to lay before this Board the Two following Petitions requesting their Opinion and Advice thereon.

To His Excellency Robert Eden Esq^r Governor and Commander in Chief in and over the Province of Maryland.

The humble Petition of Charles Ridgely Sen^r Charles Ridgely of Baltimore County in the Province of Maryland Iron Masters.

Lib. C. B. Sheweth That your Petitioners some time in the Month of
 No. 20 June last past made a Contract and Agreement with Robert Peter of George Town in the said Province Merchant for the Sale and Delivery of One hundred Tons of Pigg Iron for the Consideration of Five hundred and Twenty five Pounds Sterling Sixty Tons thereof to be delivered to the said Peters at Nanjemoy on the Maryland side of Potowmack River and the other forty Tons at George Town on the said River and in the aforesaid Province of Maryland.

That your Petitioners in Compliance with their said Contract afterwards in the same Month of June Shipped on Board the Sloop Nelly Sixty Tons of the said Iron to be delivered at Nanjemoy as aforesaid and Forty Tons on Board the Schooner Polly to be delivered at George Town as aforesaid. That the said Two Vessels were afterwards Seized in Potowmack River with the said Pigg Iron on Board by Sir Thomas Adams Cap^t of the Boston Man of War and are now carried into the Colony of Virginia to be there tryed under the aforesaid Seizure in the Court of Vice Admiralty there. That your Petitioners apprehend their Iron in the said Vessels is not liable to Seizure or Condemnation or to any Tryal in the Vice-Admiralty Courts of the said Colony of Virginia. That your Petitioners propose and intend to plead to the Jurisdiction of the Court of Vice Admiralty of the said Colony of Virginia. That your Petitioners are apprehensive that the Charter of the Province of Maryland under the Great Seal of England may be necessary for that purpose and therefore pray your Excellency to direct that the same may be delivered to your Petitioners for the purpose aforesaid or that your Excellency would make such further or other Order in the Premises as to your Excellency shall seem necessary and expedient for the Relief of your Petitioners

And as in Duty bound they will pray &c.

To His Excellency Robert Eden Esq^r Lieutenant Governor and Commander in Chief in and over the Province of Maryland.

The Humble Petition of James Christie Jun^r of Baltimore County Merchant, Sheweth, That he is part Owner of a Schooner Vessel called the Polly of about thirty Tons Burthen that hath been employed for some time past in Trading up and down Chesapeak Bay from one part of the Province to another part of said Province. That the said Vessel being on her Voyage from Baltimore Town to George Town on Potowmack in this Province loaded with Pigg Iron was lately seized in Potowmack River by Directions as your Petitioner believes

and hath been informed of Sir Thomas Adams Captain of the Boston Man of War, and hath been carried down to Hampton in Virginia to be tryed under such Seizure in the Admiralty Court there. Your Petitioner apprehending said Vessel not liable to any Seizure, or to any Tryal in the Admiralty Courts of the Colony of Virginia humbly prays that your Excellency would take the Premisses into Consideration and Interfere in the Affair by Letter to Lord Bottetourt or otherwise as to your Excellency shall seem Expedient and as in Duty bound he will pray &c.

Lib. C. B.
No. 20

P. 114

Whereupon and upon Consideration of the Matter represented in the above Petitions the Members present are of Opinion that as the River Potowmack is entirely within the Limits of Maryland as described in his Lordship's Charter and the Jurisdiction thereon is by the said Charter vested in him, a Trial of the Vessels and Cargoes represented to have been thereon Seized by Sir Thomas Adams cannot be had in the Admiralty Court of Virginia without an Infringement of his Lordship's Rights and therefore they think it expedient that his Lordship's Attorney General be instructed to proceed with all convenient Dispatch to Williamsburgh and in Case the said Vessels shall be Libelled in the Court of Admiralty there, to protest on behalf of his Lordship against the said Courts exercising any Jurisdiction on the said River Potowmack They are likewise of Opinion that it may be greatly to the Interest of the Lord Proprietary that the Honourable Daniel Dulany Esq^r assist the Attorney General with his Advice on this Occasion if the Indisposition which prevented his attending this Meeting will permit him to undertake the Journey.

At a Council held in the Council Chamber on Monday the 16th day of July in the Twentieth year of his Lordship's Dominion Anno Domini 1770.

Present His Excellency Robert Eden Esq^r Governor.

The Hon^{ble} { Benedict Calvert Esq^r Walter Dulany Esq^r
 { John Ridout Esq^r George Steuart Esq^r

The Proceedings of yesterday being Read and the Consideration of the Petitions then laid before this Board being resumed the Members are of Opinion it will be expedient that the Attorney General carry with him an Authenticated Copy of the Charter of Maryland and that he be directed to allow the Petitioners to have the benefit thereof at Williamsburgh if the Admiralty Court there should proceed to a Trial of the Seizures.

Lib. C. B. At a Council held at the House of the Honourable Daniel
No. 20 Dulany Esq^r in the City of Annapolis on Tuesday the 17th
day of July in the Twentieth year of his Lordship's Dominion
Anno Domini 1770.

Were Present

His Excellency Robert Eden Esq^r Governor

The Hon^{ble} { Daniel Dulany Esq^r Walter Dulany Esq^r
 { John Ridout Esq^r George Steuart Esq^r

His Excellency was pleased to lay before this Board the following Letter to Lord Bottetourt, intended to be sent by the Attorney General, which was Read and approved of.

Annapolis 17th July 1770

My Lord

The Gentlemen who will have the Honour to present this to your Lordship is M^r Jenings the Attorney General of Maryland who goes to Williamsburgh at this Time on Account of a late Transaction in this Province, of which I presume your Lordship has already received Information.

p. 115 It has been represented to me, that several Vessels lately Seized in the River Potowmack by Sir Thomas Adams Commander of the Boston Frigate or One of his Officers, are carried to Virginia in order to be Libelled and Prosecuted in the Admiralty Court in that Dominion. I need not inform your Lordship that the whole River Potowmack is within the Limits of Maryland as described in the Royal Charter from his Majesty King Charles the First to the Right Honourable Cecilius Baron of Baltimore Ancestor of the present Lord Proprietary and that the several Islands which lye in the said River are held by Patent from the Maryland Land Office, One or more of them I am told by a Gentleman of your Council.

The abovementioned Seizures having therefore been made within the Jurisdiction of this Province I think it incumbent on me to intimate to your Lordship that I conceive the Admiralty Court in Virginia cannot take Cognizance thereof or intermeddle therein in any manner without an Infringement of the Charter Rights of my Constituent, the Right honourable the Lord Proprietary of this Province which Rights I am confident your Lordship has not the least Desire or Inclination to infringe, and I flatter myself you will, as far as shall be consistent with the Duty of your Station prevent every Violation of them by any Court or Officer in your Government.

In this Confidence I recommend M^r Jenings to your Countenance and good Offices, in Case he should find himself under a Necessity of taking any Step on this Occasion at Williams-

burgh, in the Character of the Lord Proprietary's Attorney General. Lib. C. B.
No. 20

I have the Honour to be with the greatest Respect, My Lord,
Your Lordship's most Obedient
His Excellency the Right Honble } and very humble Servant
Lord Bottetourt } Robert Eden.

The following Commission and Instructions to the Attorney General being prepared were Read and approved of and Ordered to be Entered.

Maryland ss.

Robert Eden Esq^r Lieutenant General and Chief Governor in and over the Province of Maryland.

To Thomas Jenings Attorney General of the Province of Maryland Esquire and to all Persons to whom these Presents shall come Greeting.

Whereas certain Vessels belonging to the Inhabitants within this Province have been Seized in the River Potowmack within the undoubted Limits and Jurisdiction of the Province aforesaid by Sir Thomas Adams or the Commanding Officer for the Time being of the Boston Frigate and the Vessels so Seized have been carried or sent to the Colony of Virginia in order for the Purpose that Cognizance may be taken therein of the Cause or Causes of the Seizures aforesaid, and whereas of Right the local Jurisdiction in such Case belongeth to the said Province of Maryland Now Know ye that I Robert Eden Esq^r Governor and Commander in Chief in and over the Province of Maryland lawfully constituted and approved in Maintenance of the just Authority and Jurisdiction of the said Province and of the Rights belonging unto the Right honourable Frederick Lord Baron of Baltimore absolute Lord and Proprietary of the Province aforesaid reposing an Especial Trust and Confidence in Thomas Jenings Esq^r Attorney General of the said Lord Proprietary do hereby Authorize constitute and appoint him the said Thomas Jenings in this Behalf in due manner to assert claim and demand that no Cognizance be had or taken within the Dominion or Colony of Virginia in respect of the Premises or any part thereof tending to impeach diminish infringe or derogate from the Jurisdiction Prerogatives Franchises Liberties or Privileges of the said Lord Proprietary. In Witness whereof I have hereto set my Hand and caused the Great Seal of the Province to be affixed this Seventeenth Day of July in the Twentieth year of his Lordship's Dominion Annoque Domini Seventeen hundred and Seventy. p. 116

Signed by Order.

U Scott Cl. Con:

Lib. C. B. Instructions to be given to and observed by Thomas Jenings
No. 20 Esquire Attorney General and especially constituted to assert
his Lordship the Right Honourable the Lord Proprietary his
Jurisdiction in and over the River Potowmack.

1st You are with all convenient Speed to repair to the City
of Williamsburgh in Virginia and wait on Lord Bottetourt
Governor thereof and after having delivered his Excellency
Governor Eden's Letter you are to make known to his Lord-
ship the Commission with which you are Charged.

2nd In Case the Vessels or any of them Seized on the River
Potowmack by Sir Thomas Adams Baronet Commanding
Officer of the Boston Frigate shall be Libelled or prosecuted
in the Court of Admiralty of Virginia you are to assert his
Lordship's Right to the local Jurisdiction in the Premises by
Claiming the same before the Judge of the said Court and
requiring such Claim to be entered among the Proceedings
thereof.

3^{dly} and Lastly. You are to make a full and distinct Report
to his Excellency the Governor of the Manner in which you
shall execute the Commission with which you are Charged on
Behalf of his Lordship the Lord Proprietary.

Annapolis }
17th of July 1770. }

Signed by Order
U. Scott Cl: Con.

The following Proclamation being Read and approved of
was Ordered to Issue to the several Sheriffs within this
Province directing them to Publish the same in their respec-
tive Counties.

Maryland ss^t By his Excellency Robert Eden Esq^r Lieuten-
ant General and Chief Governor in and over the Province of
Maryland.

A Proclamation.

Whereas John Pownal Esq^r Secretary to the Right Hon-
ourable the Earl of Hillsborough one of his Majesty's princi-
pal Secretaries of State hath Transmitted to me the following
Act of Parliament Viz. An Act to repeal so much of an Act
made in the Seventh year of his Majesty's Reign entitled An
Act for granting certain Duties in the British Colonies and
Plantations in Amercia for allowing a Drawback of the Duties
of Customs upon the Exportation from this Kingdom of
Coffee and Cocoa Nuts of the Produce of the said Colonies
or Plantations for discontinuing the Drawbacks payable on
China earthen Ware exported to America and for the more
effectually preventing the Clandestine Running of Goods in
the said Colonies as relates to the Duties upon Glass Red

Lead White Lead Painters' Colours Paper Pasteboards Mill-boards and Scaleboards of the produce or Manufacture of Great Britain imported into any of his Majesty's Colonies of America and also to the discontinuing the Drawbacks payable on China earthen Ware exported to America and for regulating the Exportation thereof And Whereas I have judged it expedient to Notify the same here I do therefore by and with the Advice and Consent of his Lordship's Council of State direct and require the several Sheriffs of this Province to Publish in the usual manner this my Proclamation together with the Act of Parliament hereunto annexed that all his Majesty's Subjects within this Province may take Notice thereof and govern themselves accordingly.

Lib. C. B.
No. 20

Given at the City of Annapolis this 17th day of July in the Twentieth year of his Lordship's Dominion Anno Domini 1770.

Signed by Order
U. Scott Cl: Con.

23^d of July 1770. Ordered by his Excellency the Governor that a Pardon issue for Negro James (the Slave of a certain Benjamin Sedwick of Calvert County) which issued accordingly.

At a Council held at the Governor's on Saturday the Eighteenth day of August in the Twentieth Year of his Lordship's Dominion Anno Domini 1770.

Were Present

His Excellency Robert Eden Esq^r Governor

The Hon^{ble} { John Ridout Esq^r George Steuart Esq^r
Walter Dulany Esq^r

Read the Transcripts of the Convictions of Negroes David, Jacob and Nacey Condemned at the last County Court held in and for Ann Arundel County.

Whereupon it was Ordered by his Excellency the Governor with the Advice of this Board that Pardons issue for the abovementioned Negroes Jacob and Nacey, and also that a Pardon issue for Negro David on Condition of his leaving the Province within Ten Days from the Date thereof and never to return again, which said Pardons were issued accordingly.

Read the Transcript of the Conviction of Negro Dick (the Slave of a certain Knighton Simmonds) Condemned at the last Ann Arundel County Court for feloniously Breaking and Entering the Meat House of Marmaduke Wyvill and Stealing from thence One hundred Pounds Weight of Bacon. On Con-

Lib. C. B. sideration whereof it was Ordered that a Pardon issue in
No. 20 Behalf of the aforesaid Negro Dick, which Issued accordingly.

His Excellency was pleased to lay before this Board the following Letter which he had received from Thomas Jenings Esq^r his Lordship's Attorney General.

Annapolis Aug^t 2nd 1770.

Sir.

In Pursuance of the Commission and Instructions which I had the Honor to receive from your Excellency, I embarked for the City of Williamsburgh where I arrived the 24th of last Month and immediately waited on Lord Botetourt to whom I delivered your Excellency's Letter and acquainted him with the Nature of the Commission with which I was intrusted: His Lordship received me with great Politeness, and expressed his unwillingness to embroil the two Provinces in a Contest concerning their respective Jurisdictions and was pleased to assure me that your Excellency's Opinion of his Sentiments in this particular communicated in your Letter to him was entirely conformable to the Principles he entertained, and added that he looked on it to be an indispensable Duty of the Supreme Magistrates in every Government to preserve inviolate the Rights of the different Colonies. His Lordship further observed that the Business with which I was commissioned did not properly fall within his Department but from the Information he had received on this Subject he apprehended the Vessels were illegally Seized and that no Suit would be instituted for their Condemnation.

In order to obtain a further Knowledge whether any Libel was filed or Process issued in consequence of the Seizures I applied to the Judge of the Court of Admiralty who informed me it was the Opinion of his Majesty's Advocate that the Proceedings in this Instance were unjustifiable and therefore he imagined nothing further would be done in Prosecution of the Affair.

As I had not an Opportunity of receiving any certain Information at Williamsburgh relative to the Fate of these Vessels the commanding Officer of the Boston Frigate not being there, I thought it expedient to Visit him on Board that I might be acquainted with the Measures he intended to pursue in Justification of his Conduct; Sir Thomas Adams was then
p. 118 Absent on a Tour for his Health whereby the Command devolved on his first Lieutenant M^r Glassford, to whom I delivered your Excellency's Letter. He expressed great Concern for the precipitate Steps which had been taken, and excused the Officers on Account of their Inexperience, having

never been stationed on the Coast before, which obliged them to rely on the opinions of others who he was afraid had in this Instance greatly abused their Confidence and Credulity; He declared his Consciousness of the Impropriety of the Seizures, and on my requesting him to order the Vessels to be released he gave directions for that Purpose and they were immediately put into Possession of the Owners.

This Affair having thus happily terminated in Support of his Lordship's Jurisdiction, I thought it my Duty to communicate to your Excellency a Detail of my Proceedings.

I have the Honour to be, with great Respect

Your Excellency's most Obedient and most h^{ble} Serv^t
His Excellency Robert Eden Esq^r Tho^s Jenings
Governor of Maryland.

At a Council held in the Council Chamber on Saturday the Fifteenth day of September in the Twentieth year of his Lordship's Dominion Anno Domini 1770.

Were Present

His Excellency Robert Eden Esq^r Governor.

The Hon^{ble} { Benedict Calvert Esq^r John Beale Bordley Esq^r
Daniel Dulany Esq^r George Steuart Esq^r
John Ridout Esq^r

His Excellency was pleased to lay before this Board the following Papers and to request their Advice thereon.

To His Excellency Robert Eden Esq^r

May it please your Excellency

We the Clergy of the Established Church of England in this your Government of Maryland, now met in Annapolis beg leave to approach your Excellency gratefully to acknowledge not only your many personal Civilities to ourselves but what we most Esteem the obliging attention you have been pleased ever to shew to the Interests of the Church. Concerned as we are by Duty as well as Inclination to promote these Interests we conceive we can no way more effectually accomplish this than by deporting ourselves so as to deserve a Continuance of your Excellency's Favour and Protection. With this View therefore we now take the Liberty of laying before you an Account of the Business for which this Meeting was called together.

The Original intention of our Meeting was farther to consider on the charitable Fund; but finding ourselves obliged to postpone this on Account of the Charter's not being yet arriv'd

Lib. C. B. We have been naturally led to consider the present Circumstances of the Maryland Clergy, and after the fullest and maturest Deliberation We have unanimously resolved that it is highly becoming us to make an Effort as far as in Us lies to introduce if possible Episcopacy into America: a Measure so highly reasonable, so absolutely necessary at this Crisis to the Colonies in general, and we add to Maryland in particular and so peculiarly befitting the Clergy of this Province to be amongst the foremost in soliciting that we cannot doubt of its meeting with your Excellency's perfect Approbation. For it must have occurred to you as it has to us that of late the Growth of Sectaries (chiefly to be attributed as we believe to the want of a regularly Governed Clergy) has been so amazingly rapid and their Conduct so daring and vexatious that amongst other instances of their factious Spirit they now daily and openly call in Question even his Lordship's Right of Presentation, an Evil which we fear will daily increase and which we cannot but think can only be effectually put a Stop to by the Admission of an American Bishop. It must then be obvious to your Excellency that the Establishment here cannot subsist much longer without some form of Government. Whether this shall be that constitutional one by Bishops to which alone a Clergyman of the Church of England can in Conscience think it his Duty to Submit, or the unconstitutional and palpably Presbyterian System not long ago warmly contended for by both Houses of Assembly, is a Question hardly less interesting to the Civil Government of this Province than it is to its Clergy. The Jurisdiction of a Presbytery and every other Jurisdiction in its Principles akin to it is so adverse to the Frame and Scope of our excellent Establishment both in Church and State that in attempting to keep it forever at a distance from Maryland we trust your Excellency will consider us as doing what most undoubtedly is our Duty ever to do consulting the best Interests of the Lord Proprietary and the Welfare of the Community at large, as well as our own in particular. On these Principles and on these Considerations alone, we presume to solicit your Excellency's Concurrence and Assistance in promoting so salutary a Scheme. Every step in our Power conducive thereto we have taken; We have applied to the Throne, to Lord Baltimore, to His Grace of Canterbury and to the Bishop of London, Copies of which Applications we think it incumbent on us to lay before your Excellency with a request that you will be pleased as soon as may be to transmit our Letter to Lord Baltimore, and should it be in your Excellency's Power to lend a helping Hand to the furtherance of this good Design, as we believe it greatly is,

We persuade ourselves from the assurances we have heretofore had the Honour to receive from your Excellency and which we do and shall ever gratefully remember, that you will not withhold it. One Instance there is in which we conceive it is much in your Power to promote the Cause, and that is by co-operating with us in our Application to our Brethren of the Clergy in Virginia, by recommending it strongly to the Attention and Countenance of Lord Bottetourt.

Lib. C. B.
No. 20

We are not so sanguine as to flatter ourselves with the Hope either of immediate or certain Success from this our Application, but should we after all finally fail, which we pray Heaven to avert! We shall comfort ourselves with the reflection that even to fail is less reproachful than never to attempt it at all.

We are Sir, with infinite Respect
Your Excellency's most Obedient
and faithful humble Servants
Signed by Order
Robert Read, Secretary

My Lord

Bound as we are by every tie of Gratitude to promote your Lordship's interest and the Welfare of this Province which we have ever considered as inseparable, and in which our own is involved, we cannot with indifference behold Measures pursued, which we apprehend to have a manifest tendency to endanger interests so deservedly dear to us. Upon a proper degree of Influence and Authority with the People will the usefulness of the Clergy of any Country depend. When that Authority and Influence fail either thro' their own Misconduct or the want of due countenance and support from the Civil Government, from that instant will the usefulness of the Clergy proportionably fail, and more especially so, and in the End totally Cease, if Laws shall happen at any time to be so injudiciously framed as even to tempt the People committed to their guidance and instruction, instead of encouragement to shew them every possible discouragement, On the other hand still more destructive of their usefulness will their own misconduct and a disregard of the Duties of their Functions prove. Happy is it for that People where a due regard to their own Character in the Clergy and a Judicious discipline unite to render them respectable and consequently useful. Such we trust your Lordship will be led both by Education and Judgment to consider the Episcopal Jurisdiction in the Church of England to be. Without some discipline no Church hath or can Subsist, and such is the Crisis at which Affairs have here arrived that according to our Judgment that venerable discipline which hath prevailed in all Christian Nations and coeval

p. 120

Lib. C. B. with our holy Religion, or a discipline evidently formed on
 No. 20 Puritanical Principles and which we shall hardly need to
 observe to your Lordship, holds such enmity with the forms
 of Civil Government, as here established that in the End it
 must of necessity prove destructive to it is not remote. Al-
 ready do Evils of this Class make an alarming appearance for,
 owing to the irregular Circumstances of the Clergy and a
 total want of Discipline a motley variety of Sectaries ever
 watchful to Seize every prospect of Advantage to themselves
 are making hasty strides not only to overturn the Religious
 Establishment but the Civil one also. The Instances are num-
 erous in which they have avowedly denied your Lordship's
 right of Patronage, and however futile and undeserving of
 Notice such an Opinion may be deemed when singly considered
 yet when viewed in Conjunction with a long train of other
 opinions of a similar complexion all equally unwarrantable we
 cannot but think it not beneath your Lordship's Attention, and
 we trust we shall be thought by your Lordship strictly to be in
 our Duty and acting agreeably to your Lordship's expectations
 from us, while thus with all becoming deference we point out
 Evils that call so loudly for immediate Remedy. This Remedy
 we beg leave to repeat it can nowhere else be found but in
 the introduction of Bishops; an object no less interesting to
 your Lordship's Civil Government and the Welfare of your
 faithful People than it is to the preservation of our excellent
 Church. We do therefore with all humility most earnestly
 implore your Lordship to second and Support our Application
 to the Throne to have a Bishop sent to America whose influ-
 ence we are persuaded, will not be less favourable to the
 Support of Civil Administration than we assure ourselves it
 will be to the maintenance of true Religion and Virtue. And
 we do fervently pray to the Almighty the Giver of every good
 and perfect Gift to Crown your Endeavours with Success

We are for ourselves and Brethren, Your Lordship's

The Right hoñble } faithful humble Servants

Lord Baltimore } Signed by Order

Robert Read, Secretary

My Lord

We take the Liberty of enclosing to your Grace a Petition
 to his Majesty requesting his Majesty to indulge us with an
 American Episcopate. To those Reasons which our Con-
 science dictates for this Application may be added some De-
 signs of late agitated in this Province relative to ecclesiastical
 p. 121 Matters.

The established Church was endowed in Maryland by an
 Act of Assembly passed in the year 1701, 2, and tho' it has

all the Authority the Power of the Crown can give (and we apprehend that no less Power than that of the Crown can either totally or partially abrogate an Act passed by the Authority of the Crown) tho' it may plead Prescription from the Consent of the People for near Seventy years and the Province derives from it the inestimable Blessing of Civil and Religious Union, yet there have not been wanting prejudiced Persons who have excited such Doubts concerning its Legality in the Minds of the People which however groundless might if not timely check'd greatly endanger the Establishment of the Church itself.

Lib. C. B.
No. 20

Nor were our Fears less excited by a Bill that lately passed both Houses of Assembly enabling the Governor to nominate Commissioners for ecclesiastical Matters, which we apprehend was not only contrary to Act of Parliament but being formed on the Presbyterian Plan would had it been made a Law forever have precluded the Introduction of episcopal Government.

To remedy these growing Evils before it be too late We humbly request your Grace to present this Petition to His Majesty in the Name of the established Clergy of Maryland, and to support it with an influence which can never want weight whilst noble Birth, sound Learning and true Piety are added to the first Dignity of the Church.

For the Arch Bishop
of Canterbury.

To

The King's most Excellent Majesty

May it please your Majesty.

We your Majesty's most faithful Subjects the Clergy of Maryland of the Communion of the Church of England beg leave to offer at the Foot of your Majesty's Throne those professions of Loyalty which our Duty dictates and those returns of Graitude which your Majesty's Regard for and protection of the Church of England wherever established demands.

The Church received its first Endowment in Maryland at a Time when the Administration of this Government rested in the Crown, which at once placed the Clergy above a dependance on precarious Contributions, and freed the Province from the Convulsions which the Equality of Sectaries by their struggles for Power and pre-eminence still occasions in other Colonies.

To confirm and improve this Establishment, we supplicate your Majesty to extend to your Dominions here that Salutary form of ecclesiastical Government by Bishops the good Effects

Lib. C. B. of which are so sensibly felt at home and which when adapted
No. 20 to the Circumstances of the Colonies will we hope prove not
less beneficial here.

To the Support of an American Episcopate already provided by pious Donations, we are ready to add such a proportion out of our Livings as may render that Station more respectable and we trust that under its Auspices we shall be able more successfully to inculcate into the Minds of your Majesty's faithful Subjects in Maryland, the Principles of that holy Religion which at once teach to fear God and Honour the King.

My Lord.

We the established Clergy of the Province of Maryland now convened, finding the Constitution of the Church of England here in danger from the Growth of Sectaries and attempts made upon our legal and constitutional Rights and Immunities by the Upper and Lower Houses of Assembly, and likewise taking into consideration the Inconveniencies and
p. 122 Hardships that the Candidates for Holy Orders labour under in these distant parts of his Majesty's Dominions, have Petitioned the Throne for an American Episcopate and requested his Grace the Archbishop of Canterbury to forward and second our Address. We likewise beg your Lordship to further that laudable Design which your Lordship well knows will secure the Church from any attempt of the like nature for the future and hand down to our latest Posterity those invaluable Blessings that she enjoys at present at home under that happy Constitution.

For the Bishop }
of London. }

Whereupon reading the foregoing Petition of the Clergy to his Excellency and the several Papers accompanying the same this Board after mature Consideration thereon did unanimously advise his Excellency to send the following answer.

Annapolis 15th Sept^r 1770.

Gentlemen

Though your Address I think imports that it is the Act of the whole Clergy of the established Church, flowing from their general Deliberation and unanimous Opinion, yet to enable me to consider it with propriety in this Light, a clearer Satisfaction is requisite than what arises from the Delivery of a paper by nine Clergyman, or from the formal Attestation of a person in an Official Character unknown in our Constitution and assumed upon I know not what Grounds.

The proper Satisfaction would have been given by the Sub- Lib. C. B.
scription of the Clergy individually. That the factious Spirit No. 20
of the Sectaries has appeared in their daily and openly calling
in Question his Lordship's Right of Patronage in disposing
of the Donations of this Province your Address gives me the
first Information. Indiscretions and Irregularities of another
Kind have indeed occurred in some Parishes, but his Lord-
ship's Right has been vindicated, and the Laws are a Sufficient
Security to his Lordship and the Persons collated by him; No
degree of Support or Assistance is needed from episcopal
Authority. How far, and under what Terms the Establish-
ment of an American Bishop may be a Salutary Measure is a
Consideration of the most momentous Concern deserving the
most serious and mature Attention and being of so great and
extensive Importance, I shall take an early Opportunity of
laying the Matter before the General Assembly, together with
your Address and the Papers attending it. The Motives both
of Duty and Inclination will ever engage me to countenance
the worthy Ministers of the Established Church, and to sup-
port the just Rights of the Clergy of Maryland, holding it
at the same Time to be my indispensable Duty to protect all
quiet and peaceable Subjects of every denomination in the
full Enjoyment of their Rights.

To the Rev^d Mess^{rs} M^cGill, Addison, Hamilton, } Rob^t Eden.
Rosse, Neill, Reide, Allen, Hughes & Boucher }

The Members of this Board further advise his Excellency,
that as an Application for a Charter for providing a Support
for the Widows of the Clergy, has been a pretext for the fre-
quent Meetings of the Clergy, to write to his Lordship the
Lord Proprietary recommending it to him to postpone the
Execution of such Charter, and that should the said Charter
arrive before his Lordship can have received such Letters,
they advise his Excellency to detain the same in his own hands
until his Lordship's pleasure can be further known.

At a Council held in the Council Chamber on Monday the p. 123
24th day of September in the Twentieth year of His Lordship's
Dominion Anno Domini 1770.

Were Present

His Excellency Robert Eden Esq^r Governor

The hon ^{ble}	{	Benedict Calvert Esq ^r	John Beale Bordley Esq ^r
		Daniel Dulany Esq ^r	George Steuart Esq ^r
		John Ridout Esq ^r	William Fitzhugh Esq ^r
		Walter Dulany Esq ^r	

Lib. C. B. His Excellency is pleased to acquaint this Board that he
No. 20 has received Instructions from His Lordship the Right honourable the Lord Proprietary to appoint William Hayward Esq^r a Member of His Lordship's Council and the Upper House of Assembly of this Province who being present took the Several Oaths to the Government required by Law as also the usual Oath of Councillor, repeated and Subscribed the Oath of Abjuration and Test and then took his Seat at the Board accordingly.

The following Letters from the Clergy were laid before this Board by his Excellency, and being Read were Ordered to be entered in the Council Records.

Annapolis Sep^t 17th 1770.

Sir

When we communicated to your Excellency the papers relative to an American episcopate, we had in view at once to inform your Excellency of the Steps we had taken, and to beg your advice and direction; an attention which your Excellency's attachment to the established Church deserves at our hands. But they were delivered confessedly for your own perusal and not intended for the General Assembly; whether in point of punctilio you can apply to one purpose what was designed by the Writers for another, there is not a properer judge in the Province than yourself. Had they been intended for the Inspection of the General Assembly, the Expressions might perhaps have been more guarded; and should you still think it necessary to submit the Matter to their consideration we trust that we shall be able so to explain ourselves as to make it manifest we meant to give as little umbrage to the General Assembly as to your Excellency. Possibly we might have taken that Step ourselves had we not apprehended it might appear presumptuous in us to apply to them, in a matter which seems to concern the prerogative alone.

The Plea for establishing a Commission for ecclesiastical affairs was that the Clergy act lawlessly and are Subject to no restraint: they found themselves therefore under a necessity of moving for an American Episcopate, to convince the world that they were far from desiring to continue exempt from the control of all jurisdiction, and only opposed the establishment of a Commission Court as arbitrary and unconstitutional.

As to the objection of the Signature and the Authority by which the Committee of nine Clergyman Act in behalf of the whole Clergy, we beg leave to observe that in the three Meetings we have held, a majority of the whole Clergy have at-

tended and an American Episcopate seemed in their consultations to be approv'd and wish'd for. Lib. C. B.
No. 20

At the present Meeting nine Clergymen were left as a Committee to act for the rest; an expedient absolutely necessary from the distance of their places of abode, and the inconvenience of attending individually; and without this expedient the Clergy would never be able to act at all in a joint capacity; and Business cannot well proceed without a Clerk or Secretary.

That your Excellency was first apprized of any infringement of his Lordship's Right of Patronage from our address is very surprising, and can only be owing to your late arrival in the Province and some neglect of due information. Within a few of the last years three formal appointments were set aside in one Parish only by the violence of the People, which we are led at least to attribute in part to the Spirit of Sectaries, as it happened in that quarter of the Country where they chiefly abound, nor have there been wanting persons who have asserted the Right of Patronage itself to lie in the People from whom the revenue proceeds, and if farther Confirmation were necessary some written Authorities could be produced that would put the fact beyond a doubt. p. 124

As we receive with all Gratitude your Excellency's declarations that you will countenance the worthy ministers of the Established Church and support the just rights of the Clergy of Maryland, so we cannot but applaud your resolutions to protect all quiet and peaceable Subjects of every Denomination in the just enjoyment of their Rights. The Clergy of Maryland will be the last to persuade your Excellency to depart from a determination so truly Christian; and whilst they continue to hold persecution in just abhorrence, and see without a murmur the dissenting congregations enjoying their full rights under their several forms of religious discipline, they reasonably hope that at least as full an enjoyment of its rights may be extended to the national Church, as to those who dissent from it.

We are for ourselves and Brethren, Sir,

Your Excellency's most obed ^t and most hble Servants	
To His Excellency }	H: Addison
the Governor }	B: Allen
	J. Boucher

Annapolis Sept^r 16th 1770.

Rev^d Sir

Agreeable to an appointment made at our last Meeting in May, the following Gentlemen met: Mess^{rs} Addison, M^cGill,

Lib. C. B. Hamilton, Hughes, Keene, Rosse, Neill, Boucher, Scott, Barclay
No. 20 Allen, they left the Subscribers as a Committee to Act in their behalf together with any other of the Clergy that chuse to attend, and we expect more tomorrow.

We waited on the Governor to know whether the Charter to establish the Widow Fund was arrived. We were answered in the Negative, but that it was daily expected.

We took into Consideration an Application for an American Episcopate. It was determined one should be made and respective addresses were drawn up for that purpose to the King, Archbishop of Canterbury Bishop of London Lord Baltimore and the Governor, and one is intended to be made to the General Assembly.

Tender of Acting in the name of the whole Clergy without a manifest Majority we have sent to every individual for their opinion upon the Question desiring their Consent may be communicated to us by Signing the inclosed paper which we do not admit the least doubt of upon the principles of the Church to which we belong. But should any Clergyman dissent and will favour us with his Reasons for so doing, all possible attention shall be paid them and every reasonable objection endeavoured to be obviated.

We remain your faithful Brethren
H. Addison
B. Allen
J. Boucher
in the name and behalf
of our absent Brethren.

P. S. The difficulty of transcribing so many papers is the sole Reason you have no Copies: they remain however in Annapolis for your Inspection. You will please to favor us with your Answer by the Bearer directed to the Rev^d M^r Boucher in Annapolis.

To the Rev^d M^r

MINUTES
OF THE
BOARD OF REVENUE
OF MARYLAND

APRIL 5, 1768-JANUARY 11, 1775



MINUTES OF THE BOARD OF REVENUE

Lib. No. 86

1768-1775.

Annapolis April 5th 1768

At a meeting of the Board of Revenue. Present p. 1

His Excellency Horatio Sharpe, Esq^r

The Hon^{ble} { Daniel Dulany, Esq^r
Benedict Calvert, Esq^r
and
George Steuart, Esq^r

His Lordship's Instructions were read, Copies of which are as follows

Frederick absolute Lord and Proprietor of the Provinces of Maryland and Avalon in America Lord Baron of Baltimore of the Kingdom of Ireland.

Orders and Instructions to be observed and pursued by our Trusty and well beloved Councillor of State, Edward Lloyd, Esq^{re} My Agent and Receiver General of our Province of [Seal] Maryland.

F. Baltimore

Whereas great Inconveniencies have arisen to my Ancestors and myself, from the want of proper office or Repository in the City of Annapolis, in which may be kept such Books and Papers, as may relate to the Lord Proprietary's Revenues, such as Counterparts of Leases, Copies of Rent Rolls and Debt Books, Farmers' or Receivers' Bonds, Naval Officers' Accounts &c^a You are hereby required on Receipt hereof to consult with our Lieutenant Governor and with his Advice and approbation either to purchase or have built in the said City a proper House for such use and purpose to be called The Office of the Receiver General.

p. 2

After the said Office shall be fitted up, You are to lodge therein all Counterparts of Leases (which have been granted for any Lands of mine) that are now in your Possession, and as often as our Lieutenant Governor, and you, shall for the future grant any Leases for my Manor or Reserved Lands, you shall Lodge the Counterparts thereof in the said Office, placing and titling them in such Methodical manner as that Recourse may easily be had thereto on all Occasions.

Lib. No. 86 You are likewise to lodge in the said Office all Bonds which have been by you taken, or which you may hereafter take, from any of our Officers, for the faithful Discharge of their respective Offices, and also the Counterparts of the Articles of Agreement which have been entered into, or may be hereafter entered into, by the Farmers or Receivers of our Quit Rents.

You are likewise to lodge in the said Office, Plans or Drafts of our several Manors (to be bound up in one Book) and also a Rent Roll for each Manor, and for our Reserved Lands, in which Rent Rolls are to be specified the names of the Stewards who have the management or Superintendency of them respectively, the names of the several Tenants, the Quantity of Land held or occupied by each of them, and the Annual Rent payable for each Tract or Tenement, the Term of each Lease and time when granted, and you are also to lodge in the said Office the Rent Rolls and Accounts which the several Stewards shall annually return or deliver to you, at the time they account with you for the Rents of the several Tenements.

p. 3 And whereas, I am satisfied that it wou'd be for your Ease and my advantage, if the Stewards were required to make up and return their annual Accounts regularly, on some particular day, to be fixed on, It is my Will that you insist upon their doing so, allowing them a reasonable time to collect the Rents due from the Tenants, and to make up their respective Accounts, and in case any of the present Stewards shall, after they are acquainted with this our Requisition, neglect or delay to comply therewith, It is my Desire, that such Stewards be superseded, and other more punctual men be appointed in their stead.

For the better Guidance and Direction of the said Stewards, you are to give them such Instructions in Writing as you may judge necessary (to be approved of by our Lieutenant Governor) and to take Bond from them with good Security, conditioned for the faithful Discharge of their office, and punctual payment of such Rents as they shall respectively receive from our Tenants, which said Instructions you are to enter in a Book to be kept in the Receiver General's Office, & when you and our Lieutenant Governor have appointed particular Days for signing Leases you are to insist upon the Stewards presenting them on those Days to be sign'd.

You are to cause notice to be given in each County, by Advertisements, of the Conditions upon which our Manor or Reserved Lands in such County are granted, and what Fees are to be paid by Tenants for Surveying &c^a so that they may not be liable to be imposed on by the Stewards, or deterred

from applying for Leases by an Apprehension that they cannot be easily obtained. Lib. No. 86

And whereas it will be a great Ease and Advantage to me to have my Accounts Settled and Closed every year, and I am Satisfied it will be likewise for your Ease, and as I am afraid that was either of us to Die, a great deal of trouble and confusion would ensue by reason of Accounts between us, and between my several Officers and you, being left open more than one year; in order therefore to prevent such Inconveniences as far as possible, which I doubt not but you are equally solicitous to prevent, I have thought fit to approve of and do hereby order that the method, or Plan, contained in the following Instructions be by you hereafter pursued, and as it will be necessary that my Lieutenant General, the Commissary General, Deputy Secretary, Judges of my Land Office, and my Attorney General, meet together with you on certain Days in order to carry the said Plan effectually into Execution, I have transmitted to my said Lieutenant General a Copy of these Instructions, desiring him to communicate my Intention to the other Gentlemen above mentioned, and to desire them to meet occasionally with you and him for the purpose hereafter mentioned. p. 4

You are as soon as possible after the 29th of September in every year to compel the several Naval Officers, Farmers of my Quit Rents, Sheriffs, Stewards of my Manors and Reserved Lands, Receivers of my Alienation Fines, and all other Branches of my Revenue, to settle with you, to pay the Balances from them respectively due, and to close their annual Accounts; and as soon as possible after they have so done, You are to State and Close your Account with me for the year for which you have settled with them respectively, in such Account giving me Credit for the several Sums received by you as Agent for Land warrants sold from the Farmers on Account of my Quit Rents, from the Receivers of my Alienation Fines, from the Sheriffs for Fines and Forfeitures, from the Stewards of my Manors and Reserv'd Lands, and from the Receivers of any other Branches of my Revenue, particularizing the Sum receiv'd from each Person; and in your said Account debiting me with your own Salary as well as with the Salaries of my Rent Roll Keepers, and any other of my Officers to whom Salaries are payable, also with such other Sums of Money as you may disburse in consequence of Instructions sent by me to my Lieutenant Governor or yourself, with such Sums as you shall before the Closing of such Account have remitted to me in Bills of Exchange, or Cash, on Account of that year's Revenue. p. 5

Lib. No. 86 When you have Closed such your Annual Account you will intimate the same to my Lieutenant Governor, that He together with the Commissary General, the Deputy Secretary, the Judges of our Land Office, and our Attorney General, or some three, or more, of them, may meet you at your Office in order to examine and certify such Account, which measure, I conceive, will give you much Satisfaction, and save me a great deal of Trouble, since if any Errors should be by them discovered, they may be, by you, immediately rectified, and in order that they may examine the same, you are to lay before them, together with your own general Account, your Account of Money received for Land Warrants, the several Naval Officers' Acc^{ts} the several Debt Books return'd by the Farmers of Quit Rents, with their Accounts stated and allowed by the Rent Roll Keepers, the Lists return'd by the Clerks of the Counties, and Accounts returned by the Sheriffs of Fines and Forfeitures by them respectively received, the Rent Rolls, and Accounts return'd to you by the Stewards of my Manors and Reserved Lands, Lists of Devises and Alienations, and the Accounts returned by the Receivers of our Alienation Fines, and all other Accounts which might serve to give them full Information; and when they shall have compared and examined such several Papers and Accounts, it is my desire that they certify the same at the Foot of your general Account, and a Duplicate thereof and Sign such Certificate, which you are to transmit to me by the first Opportunity that may afterwards present itself.

p. 6 It is moreover my Pleasure, that you enter every year in a Book (to be constantly kept in the above ment^d Office) such your general Account with such Certificate as is above described, and that you likewise lodge in the said Office all such Accounts and Papers (or Copies thereof) as may be laid before my Lieutenant Governor and other Officers as is above directed.

With respect to such Bills of Exchange taken by you on my Account as may be protested, you are to keep a separate and distinct Account thereof; nevertheless, you are to lay the same before my Officers above mentioned, when they meet & I expect that you will have your Accounts for the preceding Year, ending the 29th of September, ready for their Review on the 25th of March at farthest in every year.

I desire and direct you on my Account, to pay to Governor Sharpe his Draft for Two Hundred Pounds, for the use of the Rev^d M^r Thomas Bacon, value Received. Lastly you are to follow all former Instructions, so far as they are not Repugnant to these

Given under my hand and Lesser Seal at Arms at London, Lib. No. 86
this Eighth Day of October in the Eleventh year of my Dominion in and over Our said Province and in the year of Our Lord 1761.

FB

By his Lordship's Command
Cecil^s Calvert, Sec^y

Further Instructions for Ordering the future Management p. 7
and Collection of the Revenues of my said Province.

By certain Instructions to you the said Horatio Sharpe and M^r Lloyd of the 8th of October 1761, already referred to, I gave some Orders and Directions in this matter. Whether any, and what, measures have been taken to Execute the same, I am as yet to Learn. But as my Principal reliance is on your disinterestedness, Zeal and Attachment to my Service, I do therefore revoke so much of the said Orders and Instructions, as Delegates any part of the Execution of them to M^r Lloyd, requesting you to take them into your Consideration, not as an Absolute Invariable rule for your Government, but as Suggesting some wholesome Regulations which may Constitute part of a more general and perfect system, in forming which you will raise what Superstructure your own Experience shall suggest.

As the first step you will agree with me, in the necessity of framing a compleat Rent roll of my Revenue, in its distinct Branches, The Discharge cannot be Comprehended without a previous Insight into the Charge, nor will the Agent's Accounts be ever rendered Intelligible unless accompanied with those of his Subalterns to cheque & support them.

My Commission has given you Access to every Office and the Controul over every Officer, Let me be furnished from thence with an exact detail of every head of my Revenue whether Chief Rents, Quit Rents, Fines, Alienation Fines, Escheats &c &c. as it stands in Charge to every Receiver; If verified upon Oath from the different Offices these Accounts will be the more Agreeable.

As these Accounts will necessarily fluctuate I think the same Satisfaction shou'd be repeated every year as the proper Key to the Agent's General Account.

There are various heads of Commission in the present Chief p. 8
Agent's Accounts which I do not well understand; It shou'd seem, as if such Commission was in many Instances taken over & over again, upon the same Articles, and that as well upon Money received as upon what is not received. Some Explanation upon this head wou'd be proper; and let me see

Lib. No. 86 in one View the whole Commission or other Recompence which I pay to every Officer, distinguishing to whom, and for what Services, and whether it be such as usually allowed by other Persons in the Province for the like Service, or to what causes I owe so unfavourable a distinction. Your Sentiments and Advice will attend this, as every other Article of your Enquiry.

The future Accounts and vouchers from the Receivers to be produced to and Examined by the Governor, the Commissary, Deputy Secretary and Attorney General yearly at the most proper time and then to be Certified to me with their opinion thereon for my final Allowance of the same.

The article of Protested Bills has long given me great uneasiness, I wish to see this matter better regulated, and to know what becomes of those Bills, after they are returned.

A reasonable Indulgence to my Debtors, I shall never deny, but there is a time when Moderation ceases to be a virtue, You will hit the proper Crisis, and give directions for pursuing, with diligence, the recovery of my just dues, where there are no Solid pretensions to a further forbearance.

If you find any of these latter Instructions applicable to the Accounts already depending, you will please to apply them accordingly.

p. 9 Given under my Hand and Lesser Seal at Arms at London this 21st day of February in the 15th year of my Dominion of the said Province and in the year 1766.

By his Lordship's Command

FB

[Seal]

Hugh Hamersley Sec^{ry}

F. Baltimore Frederick, Absolute Lord and Proprietor of the Provinces of Maryland and Avalon in America, Lord Baron of Baltimore in the Kingdom of Ireland

To our Trusty and Well Beloved Horatio Sharpe, Lieutenant Governor of our said Province, the Hon^{ble} Daniel Dulany Esq^r and John Morton Jordan Esq^r

Additional Instructions relative to the Receiver General's future Accounts.

Whereas by my Instructions, to you directed, bearing Date the Twenty first day of February, now last past, Accompanying my Commission of even date for Auditing the Accounts of the Receiver General of my said Province of Maryland, I did Direct, That the future Accounts and Vouchers from the Receivers of my said Province shou'd be produced to, and examined by, the Governor, the Commissary, the Deputy Secretary and the Attorney General, yearly at the most proper

time and then to be Certified to me with their opinion thereon Lib. No. 86
for my final Allowance of the same,

Now It Is my further Will, and I do hereby Direct, That all such future Accounts and Vouchers from my said Receivers, shall be produced to, and Examined by the Governor, the Commissary, the Deputy Secretary, and Attorney General of my said Province (together with the Judges of the Land Office, whom I do hereby Add to the Persons before named for the purposes aforesaid) or the Major part of them, yearly at the p. 10 most proper time; And that after such Examination the Governor, Commissary, Judges of the Land Office, Deputy Secretary, and Attorney General, or the Major part of them, shall Certify the same to me with their opinion thereon for my Final Allowance of the same. And in all other respects my former Instructions are to be Pursued.

Given under my hand and Lesser Seal at Arms at London this Twenty second day of March in the Fifteenth year of my Dominion of the said Province and in the year One Thousand Seven hundred and Sixty Six.

By His Lordship's Command

FB [Seal]

Hugh Hamersley, Sec^{ry}

Ordered

The Rent Roll Keeper of the Western Shore to attend the Board at their next meeting in order to Explain the nature of an Allowance Claimed by the Farmer of Quit Rents for Prince Georges County, and that for the future the Rent Roll Keepers do attend the meeting of the Board, when any Difficulties arise, as to Allowances claim'd by the Farmers from Errors appearing on the Debt Books.

It being understood by the Board to be His Lordship's pleasure that a Commission to M^r Allen be immediately issued without Reserve for the Office of Agent, it is their opinion that a Commission do issue according to the Purport and Effect of the last Commission, as near as the Spirit of subsequent Instructions will admit. The Trust reposed in the Agent being of a very extensive and interesting nature, and it having been the Practice in all the Offices of the Province to give Security for the Discharge and Performance of the p. 11 Duties thereof, and particularly in the Office of Agent, tho' Men of the greatest Property in the Province have been appointed thereto, it is the opinion of the Board that it wou'd be prudent to require a large and ample Security from the Agent; but it having been represented by His Excellency the Governor, that M^r Allen having been call'd upon to give Security is not able to comply therewith, and His Lordship's

Lib. No. 86 Pleasure having been explicitly signified that the Commission to the Office of Agent shall immediately be issued, without leaving any Power or Authority to the Board to controul the same, it is therefore the opinion of this Board that the Premises be represented to His Lordship, & that his ulterior Instructions and Orders be waited for.

June 16th 1768

At a Meeting of the Board of Revenue. Present

His Excellency Horatio Sharpe, Esq^r

The Hon^{ble} { Daniel Dulany Esq^r
Benedict Calvert, Esq^r
Walter Dulany Esq^r
George Steuart, Esq^r

Upon Information to the Commissioners for the Sale of His Lordship's Manors and Reserved Lands that a Person was in Possession of part of Ann Arundel Manor Sold to One who had Purchased under His Lordship's Commission and who cou'd not enter into the same under his Purchase on Account of the Obstruction given him by the Person first mentioned; the said Commissioners upon the opinion of the Attorney General that the Step was expedient, directed their Clerk to
p. 12 acquaint M^r Allen, the Agent, that it was proper He shou'd make the Entry aforesaid, and upon the Clerk's informing the said Commissioners that M^r Allen's answer to him, upon acquainting Him with the Request of the Commissioners, was, that it was the Business of the Attorney General to make the Entry aforesaid, and that He shou'd not make the said Entry, the Commissioners have laid the Premises before the Board of Officers, for their Consideration, and further Direction. Whereupon the opinion of the Board is, and so they advise; that the Clerk do, without Loss of time, inform M^r Allen, that it is their Opinion, and Direction to Him, that He do immediately, in His Lordship's name, enter into the said Land, & that M^r Allen, to prevent Mistake, be served with a Copy of this Order.

June 20th 1768

At a meeting of the Board of Revenue. Present

His Excellency Horatio Sharpe, Esq^r

The Hon^{ble}. { Daniel Dulany Esq^r
Benedict Calvert Esq^r
Walter Dulany Esq^r
&
George Steuart, Esq^r

The Board having, at a meeting on the 5th day of April last, Lib. No. 86
nominated and appointed John Clapham to be their Clerk,
with a Salary of £80 p annum, an Entry thereof, being then
omitted is now Ordered to be made.

The several Instructions from His Lordship, and His An-
cestors, relative to the management and Receipt of the Rev-
enue were read, after which the Board adjourn'd 'til to mor-
row Morning 10 o'Clock.

Tuesday June 21st 1768. p. 13

The Board met according to Adjournment, Present the
Members as yesterday, and proceed to examine separately
and distinctly the several Instructions before mentioned, in
order to form from them, necessary Instructions to be ob-
served and pursued by the Reverend M^r Bennett Allen, His
Lordship's Agent and Receiver General, in the execution of
his Office; and also to form a Plan for the future Regulation
of His Lordship's Revenue, to effect which, the Board de-
termine to consider of, and furnish, proper Instructions, to be
strictly adhered to by every Officer concerned in the manage-
ment and Receipt thereof, that His Lordship may at all times,
in future, be furnished with a clear State of His Pecuniary, as
well as other, affairs, within this Province. The Board Ad-
journs 'til to morning 10 o'Clock.

Wednesday June 22^d 1768

The Board met according to adjournment, Present the
Members as yesterday.

The Board proceed in framing Instructions for the Rever-
end M^r Allen and Adjourn 'til the Afternoon. P. M. The
Board met. The Business entered on in the Forenoon con-
tinued.

The Board adjourns til to morning 10, o'Clock

Thursday June 23^d 1768

The Board met. Present.

His Excellency, Horatio Sharpe Esq^r

The Hon^{ble} Walter Dulany, Esq^r
& George Steuart, Esq^r

The Board still proceed in the Business of furnishing In- p. 14
structions for M^r Allen and then adjourn 'til Monday morn-
ing 10 o'Clock.

Lib. No. 86

Monday June 27th 1768

The Board met according to adjournment. Present

His Excellency Horatio Sharpe, Esq^r

The Hon^{ble} { Daniel Dulany Esq^r
Walter Dulany Esq^r
Benedict Calvert Esq^r
and

George Steuart, Esq^r

The Board still engaged in the Examination of His Lordship's Instructions in order to finish the several heads of Duty to be prescribed to the Agent, and also to note such Alterations as may be necessary, or additional Services required from the other Officers concerned in the Management of the Revenue.

The Board adjourns 'til Thursday Morning 10 oClock.

Thursday June 30th 1768.

The Board met according to adjournment. Present.

His Excellency Horatio Sharpe Esq^r

The Hon^{ble} Walter Dulany, Esq^r
and

George Steuart, Esq^r

The Board proceed to finish the Instructions for the Rev^d M^r Allen, and then adjourn 'til the Afternoon.

P. M. The Board met.

The Hon. Daniel Dulany Esq^r attends the Board. The Instructions to the Reverend M^r Allen being read & approved of Ordered that the Clerk do wait on him to deliver them, a Copy of which are as follows.

p. 15 Instructions to be Observed and Pursued by the Reverend M^r Bennett Allen, His Lordship's Agent and Receiver General, in the Province of Maryland, Viz.

1st The several Naval Officers are annually, as soon as possible after the 29th day of September, to deliver to you particular Accounts (according to the Method now in use) proven on Oath before and certified by some Provincial Magistrate or Justice of the Peace of the Duties of Fourteen Pence p Ton according to the true Tonnage of all Ships and other Vessels i. e. upon the said Ship's Burthen, Bulk and measurement, having a Deck flush fore & aft; and one Shilling p Hogshead on Tobacco Exported, which they may respectively have received during the preceding year ending the 29th of September. They are also, at the same time, to pay you in Cash, or good Bills of Exchange, by them respectively drawn, or Indorsed, for the whole Amount of such Duties by them re-

ceived, deducting thereout their usual Commission of Two p Cent. The Amount of the Fourteen Pence p Ton you are to remit to His Lordship, but you are to pay to Horatio Sharpe Esq^r the Lieutenant Governor, or the Lieutenant Governor for the time being, the whole amount of the Duty of One Shilling p Hogshead on Tobacco exported (imposed by the Act of 1704) so to you paid by the several Naval Officers in pursuance of His Lordship's Instruction bearing Date the 16th day of December 1756, and to debit His Lordship with such payment in your annual Account, but in Case of the Death or Absence of the said Horatio Sharpe, You are to pay to the President of the Council, on whom the Administration of Government will in such Case devolve, only the Sum of Five Hundred Pounds Sterling p Annum out of the said Duty, in proportion to the time he shall continue to have the Administration of the Government.

2^d If in any year the net Duty of one Shilling p Hogshead on Tobacco should fall short of One Thousand Pounds Sterling, you are, in such Case, to make up that Sum to the said Lieutenant Governor out of His Lordship's other Revenue, in pursuance of His Lordship's Instruction bearing Date the 16th day of December 1756, and that He might see to what sum the said Duty amounts, in each year, the several Naval Officers are to deliver to him, the said Lieutenant Governor, exact Copies of the Accounts of the Duty of One Shilling p Hogshead by them to be respectively delivered to you.

3^d You are to Notify to the several Naval Officers, that where they pay their own Bills of Exchange for the fourteen Pence p Ton they are to be drawn on London, payable to Lord Baltimore or Order at an Usance not longer than Forty Days, and that such Bills of Exchange as they may receive for the said Duty from Masters or Commanders of Vessels (which they the said Naval Officers are to Indorse) shall be made payable to His Lordship or Order, and shall in all Cases be drawn payable in London, where the Master or Commander shall belong to that Port, or the Lading shall be Consign'd to any Person or Persons residing there.

4th You are likewise to take Care, that all other Bills, the produce of Land Warrants, or otherwise, be made payable by the drawer, or last Indorser, to His Lordship or Order in London; and this Instruction you are required to adhere to by Reason that Bills made payable in any part of Scotland, or any other part of England, have been attended with many Inconveniences and sometimes with Loss.

5th As it is necessary for the safety of the Trade that experienced Persons be appointed to Pilot Ships up the Bay, as

Lib. No. 86 well as up the several Rivers within the Province; you are hereby Authorised to give a Branch to any Pilot, who shall apply to you for the same, taking from each the value of Twenty Shillings Sterling p Annum to His Lordship's use, and a Fee of Twenty Shillings Currency to yourself, for making out every such Branch.

6th Though His Lordship's Quit Rents, and Alienation Fines, are payable in Sterling, yet, as it may not always be in the Tenant's power to pay Sterling Cash, and as foreign Coin is more Current in the Province, with which they can satisfy His Lordship's demand, for the Ease therefore of the Tenant, and to prevent all unwarrantable Advantage being taken by the Farmers and Receivers, in the Exchange, you are to take foreign whole Gold at Three Pounds Seventeen shillings and Six pence Sterling p Ounce, and mill'd Spanish Dollars, when tendered, at Four shillings and Six Pence Sterling a piece, but you are not to take cut Gold or Silver in any Payment whatever.

p. 18 7th Every Person desirous of taking up Land within this Province is to pay to you, for His Lordship's use, the Sum of Five Pounds Sterling Caution for every hundred Acres, and in like proportion for a greater, or lesser, quantity; and whereas the Judges of the Land Office are not impowered to grant either Special or Common Warrant until the Party so applying shall produce to them a Titleing for the same from under the Agents' Hands, you are therefore on being paid the above Caution in Sterling Cash, good Bills of Exchange or foreign Gold and Silver, as mentioned in the sixth Article of these Instructions, to Grant to the Party wanting to take up Land either by Common, or Special, Warrant, the following Titleing, Viz.

Let of County have a Warrant for
acres of Land, he having paid the usual Caution for the same
this Day of 1768

8th But as a greater quantity of Land may be included in the Certificates of Survey return'd, than expressed in the Warrants whether Special, or Common, and the Caution Money for such Surplusage will be still due, and as when Certificates are return'd by virtue of Warrants of Resurvey and under the Proclamation (which are granted by the Judges of the Land Office) without any Titleing from you, the whole Caution Money will be due thereon, and in these Cases no Patent can issue until the Caution due thereon shall be satisfied and paid, you are therefore when Certificates, thus circumstanced, are brought to you to receive the Caution that may be due thereon at the rate of Five Pounds Sterling for every hundred Acres,

and in like manner as before directed, certifying on the back of each Certificate the Sterling Sum by you received. Lib. No. 86

9th And for as much as His Lordship hath a Right to a p. 19
Composition for all Improvements that shall be discovered on the Lands thus taken up, and which cannot be affected by a Common Warrant, you are carefully to examine all Certificates brought to you whether by Virtue of Special Warrants, Warrants of Resurvey or Proclamation, and set a reasonable Value on all such Improvements as shall be mentioned in the Certificates, and you are to certify the Sum so rec'd on the back of such Certificates; You are also in Cases where one or more year's Rent shall appear due for the Land described in the Certificates, to make the Party applying pay up such Back Rents, and you are to certify the same on the back of the Certificates as aforesaid.

10th As the discoverers of Escheat Land are to have one third part of the Land or its Value for their Encouragement and are also to have Pre-emption of the remaining two thirds you are on return of such Certificate of Survey to set a reasonable Value on the whole Tract, and if the Party will not take the Pre-emption of Purchasing the whole for two thirds of its Value, a Reserve is to be laid thereon, and you are to set the whole up to Sale, as soon as conveniently may be, to the highest Bidder and Account with, and pay to the Discoverer one third part of the Purchase Money.

11th You are to make Entry of all Titleings by you given, as well as of all Certificates to you brought, in order to be compounded on; A List and Account thereof you are to produce with your annual Account to this Board, to shew, distinctly, what particular Sums have been paid by Persons obtaining each Titleing, or for Surplus Land return'd in all Certificates of Resurvey, or by virtue of special Warrants, or for Back p. 20
Rents received.

12th You are to empower the Sheriffs, or others, to take up all Waifs, Deodands &c and allow them good Commission, for their Encouragement, that His Lordship's Interest may be advanced thereby.

13th The General Rent Roll Keepers are two, One for the Western the other for the Eastern Shore, they have the keeping of the Rent Rolls and are to make out sign and deliver on or before the third Tuesday in March every year the necessary Debt Books to the Farmers, or Receivers, on their respective Shores, and Additional Debt Books from time to time, as there may be occasion. They are to call upon the several Farmers, on or before the first day of February in every year, to produce to them their several and respective Debt Books

Lib. No. 86 for Examination, which being done, and having made the proper Allowances to the several Farmers, they are then to draw up and State an Account with each, Debiting them with the Gross Amount of their respective Debt Books and Crediting them with their proper Allowances in a distinct and particular Manner. Two Copies of each of the several Farmers' Accounts shall be made out and sign'd as well by the respective Farmers, as the Rent Roll Keepers, One of which shall be delivered to the Farmer thus Settled with, to produce with his Debt Books on Payment of the Balance to you, The other Rent Roll Keepers are to return to you as Evidence of their having done their Duty, and you are annually to return the same as a Voucher: The Rent Roll Keepers are also to return
 p. 21 to you the Gross Amount of the several Debt Books that shall be by them annually issued, and on your being satisfied that they have done their Duty, you are to pay them for their Services after the Rate of Five p Centum on the net amount of the several Debt Books, thus passed, or Settled, by them respectively.

14th Whereas the Farmers are directed to Settle with their Rent Roll Keepers on or before the first day of February in every year and Account with you for the same, now in Case they shall neglect to come and pay in their respective Balances immediately thereafter, you are to call upon them, and if they refuse to come on such notice, you are to apply to the Board for their Bonds and put them into the Attorney General's Hands to be sued. They are on a Settlement to deliver to you a fair Debt Book upon Oath having the Tenants' names, with the names of the Lands they respectively hold, the quantity of Acres under the different rates of Quit Rents each quantity are held, to be entered in distinct Columns and each Rent computed into the Sterling Amount thereof to be added together and the Totals of such Additions where more than one Parcel of Land is held by the same Owner to be carried into an extreme Column which extreme Column will then contain the Gross Annual Sum in Sterling Money. These Entries to be on one side of the Book and the opposite side is to contain all the Remarks by the Farmer made during the year's Collection. Having compared this with the Original sign'd and delivered to him by the Rent Roll Keeper, and found it right, you are then to Examine the Stated Account as drawn up and settled by the Rent Roll Keeper and Farmers after which if you have no Exceptions to the Allowances made the Farmer by the Rent Roll Keeper, you are to receive the Balance of that
 p. 22 Account allowing him his Commission and you are annually to return to this Board the Debt Books so delivered up to you by the several Farmers.

15th His Lordship's Tenants being bound to pay their Rents at the two most usual Feasts in the year, that is at Lady day and Michaelmas by even and equal Portions it is therefore thought reasonable that the Farmers (who are to make a compleat Settlement but once a year) should make a partial or intermediate, payment of one third of the Gross amount of the Debt Book, you are therefore annually to call upon them to make such payment, on or about the 25th Day of July. And whereas Arrears may be still due from some of the late Farmers, whose Bonds may not as yet be put in Suit, you are in such Case to apply to the Revenue Office for such Bonds and order the Attorney General, or his Prosecutor, to proceed thereon. Lib. No. 86

16th You are to transmit His Lordship from time to time such Bills of Exchange as you shall receive for his use with Lists attending them, the first sets by one Ship, and the seconds of the same Sets, by another Ship.

17th You are to inform and transmit all matters, that do or shall appertain to the Execution of your Office of Agent and Receiver General, to Hugh Hamersley Esq^r His Lordship's Secretary residing in London.

18th A Reserve being laid on all Vacant Land that now is, or shall or may be hereafter found within the City of Annapolis and Town of Baltimore or within Five Miles round the said City and Town, be it by Escheat or otherwise, you are not to do any Act that may affect these Lands without particular directions from His Lordship, or this Board.

19th You are carefully to collect and receive from the several Stewards, all Rents, arrears of Rent, Fines, Penalties and Forfeitures that now are or shall hereafter become due from His Lordship's Tenants on the respective Manors & Reserves. p. 23

20th There being large Tracts of Land Reserved for the Indians which the English have encroached upon, made Surveys & got Grants of them and deny the payment of the Quit Rents alledging that they hold of the Indians, His Lordship hath therefore Erected all these Reserves into Manors of which you are to take Notice.

21st Whereas Omissions have heretofore happened in the Land Office by leaving out the word Sterling in some of the Grants after the sum reserved for the Rent, If any of the Grantees shall at any time offer to pay Currency instead of Sterling you are not to take it, but insist on their paying Sterling.

22^d It being apprehended that many People hold Land not charged on the Rent Roll, and for which no Quit Rent has been paid, you are to use your utmost endeavours to discover the same.

Lib. No. 86 23rd As to the Ferrys over the several Rivers within this Province you are to Let them to such Persons who shall apply for the same, upon Leases for three years, they paying to His Lordship's use Three Pounds Sterling for every Lease by you granted.

p. 24 24th You are to receive from the several Officers, Authorised to collect the same, the Alienation Fines which may become due on the Alienation of Lands (these are at present collected by the Clerks or private Persons appointed by the Agent in the several Counties but may be hereafter collected by the Farmers) also such Fines and Forfeitures as may become due to His Lordship under Acts of Assembly, or at Common Law, which are to be collected by the several Sheriffs according to Lists thereof to be to them delivered by the Clerk of the Provincial and Clerks of the several County Courts, for collecting which, the said Sheriffs are at the Time of their accounting for the same, to be allowed a Commission of Five p Cent.

25th You are after the 29th of September in every year to compel as herein before directed, the several Naval Officers, Farmers of the Quit Rents, Sheriffs, Stewards of the Manors and Reserved Lands, Receivers of the Alienation Fines, and all other Branches of the Revenue to settle with you, and pay the Balances from them respectively due; and to close their annual Accounts, and as soon as possible after they have so done, you are to state every particular Branch of His Lordship's Revenue in a clear and distinct manner. In your Account Current for the year for which you have settled with the Officers respectively, you will give Credit for the several Sums received by you, as Agent, and Debit His Lordship with your own Salary, and with such other Sums of Money as you may occasionally Disburse in consequence of Instructions sent by His Lordship to His Lieutenant Governor or the Revenue Board and with such Sums as you shall, before the Closing of such Account, have Remitted to His Lordship in Bills of Exchange, or Cash, on Account of that year's Revenue.

26th When you have closed such your Annual Account you will intimate the same to the Clerk of the Revenue Board, that the Officers may be summoned to meet and examine the same.

p. 25 27th You are to lay before the Board all and every of your Accounts, particularly your Cash Account, with the several Debt Books return'd by the Farmers of the Quit Rents, with their stated Accounts as allowed by the Rent Roll Keepers, The Lists returned by the Clerks of the Counties and accounts returned by the Sheriffs of Fines and Forfeitures by them respectively received. The Rent Rolls and Accounts return'd

to you by the Stewards of the Manors and Reserved Lands, Lib. No. 86
Lists of Devises and Alienations, and the Accounts return'd
by the Receivers of the Alienation Fines, and all other Acct's
and Papers which might serve to give the Board full Informa-
tion, and when your Accounts are passed & certified, you are
to transmit the same to His Lordship by the first opportunity,
All which Papers relative to said Accounts, and a Duplicate
of said Accounts, shall be lodged in the said Office that refer-
ence may at all times be had thereto.

28th With respect to such Bills of Exchange taken by you
on His Lordship's Account as may be Protested, you are to
keep a separate and distinct Account thereof.

29th It is expected that you will have your accounts ending
the 29th day of September ready for Inspection on the 25th of
March at farthest in every year.

Lastly. As it may happen in carrying into Execution the
Directions contained in the Instructions aforesaid, the Agent
may have doubts in respect of the Object to be attained and
the Design and view thereof. He is therefore when any such
Doubts shall arise to lay the same with the Grounds thereof
explicitly before the Commissioners in order and for the pur-
pose that all necessary and proper Explanations may be given
to Him, and as it may also happen that Circumstances in the
Transaction of the Agent's Duty may occur for which a com- p. 26
petent Provision may not be made in the aforesaid Instruc-
tions, He is then to represent such Circumstances to the
Commissioners that such order may be given therein as the
Nature of the Case may require.

June 30th 1768.

Sign'd p order of the Board of
Revenue

John Clapham Ctk

Ordered. That a Reserve be laid, for His Lordship's use on
all Vacant and Escheat Land lying and being in the Town of
Baltimore in Baltimore County, or within the Distance of
Five Miles thereof, or of any part thereof, of which you are
desired to make an Entry on Record, and to take the greatest
Care to prevent any Survey being made within the same,
either by expressly mentioning the Reserve in all Warrants to
be issued out of the Office or in such other manner as may
make the same known and remove all pretence of Ignorance.

There being large Tracts of Land Reserved for the Indians
which the English have encroached upon made Surveys and
got Grant of them and deny the payment of Quit Rents, alledg-

Lib. No. 86 ing that they hold of the Indians, His Lordship hath therefore erected all these Reserves into Manors of which you are to take notice

To The Judges of the
Land Office

Sign'd p order

July 19th 1768

At a meeting of the Board of Revenue, Present

His Excellency Horatio Sharpe, Esq^r

The Hon^{ble} Walter Dulany, Esq^r

and

George Steuart, Esq^r

p. 27 The Board proceed to read over and Consider the several Instructions to be delivered to the Officers concern'd in the Management & Receipt of His Lordship's Revenue.

September 1st 1768.

At a Meeting of the Board of Revenue, Present

His Excellency Horatio Sharpe Esq^r

The Honourable Walter Dulany Esq^r

and

George Steuart, Esq^r

His Excellency is pleased to lay before the Board an Account from the Surveyor employed in laying off a Manor for His Lordship's use, to the Westward of Fort Cumberland, desiring their Advice in regard to the sum to be allowed him (exclusive of other necessary Charges) during his being employed on that Service. The Board are unanimously of opinion that 15/ Cur^t Money p diem be paid him as a Compensation for the same.

The Instructions to the several Officers concerned in the management & Receipt of His Lordship's Revenue were again read, It is the opinion of the Board & therefore ordered

That the Rent Roll Keepers do give Bond for the faithful discharge of their Duty agreeable to Instructions to be to them delivered and that an additional Clause be added to the said Instructions, requiring a due return of all Books and
p. 28 Papers, relative to His Lordship's affairs, into the Revenue Office when they, or either of them shall be called upon for the same by the Board of Officers.

The Farmers and Receivers to have a Clause added in their Instructions to the same Purport.

October 26th 1768. Lib. No. 86

At a Meeting of the Board of Revenue. Present.

His Excellency Hor^o Sharpe, Esq^r

The Honble Daniel Dulany, Esq^r

& George Steuart, Esq^r

His Excellency produces at the Board, sundry [papers] transmitted from London Viz.

An Extract of a Letter from M^r Jordan and a notification, dated London the 16th of August 1768, under His Lordship's hand and Seal that he has been pleased to nominate and appoint John Morton Jordan, Esq^r Supervisor of Accounts, Lands & Revenues in and from the Province of Maryland.

An Instruction bearing date the 15th July 1768, for Patent to issue in the name of John Morton Jordan Esq^r or to any one applying in his name, or on his behalf for all the unsold part of Conocohegue Manor agreeable to a Survey made thereof by James Calder, as likewise an other Instruction bearing equal date, for a Patent, or as many Patents to issue as may be necessary to describe or ascertain the Bounds of Seven Thousand Seven hundred and fifty three Acres of Land lying and being within the Reserve round Conocohegue Manor to the aforesaid John Morton Jordan, Esq^r or any one applying for the same in his name or on his behalf.

An appointment under His Lordship's Hand & Seal for p. 29
Reuben Merewether, Esq^r to be Rent Roll Keeper of the Western Shore of this Province.

The Board agree to refer the Consideration of the above-mentioned Papers until their next meeting of which the Clerk to give the Absent Members notice.

The Board unanimously appoint George Scott of Prince Georges County, Gent: to be Farmer of His Lordship's Quit Rents in Frederick County for five years to commence from the 29th of September last; as also William Turner Wootton of Prince Georges County Gent to be Farmer of the Quit Rents for said County, they giving Bond with sufficient Sureties for the faithful discharge of their Trust.

George Scott, to be allowed a Commission of 15 p Cent and William Turner Wootton a Commission of 10 p Cent. The Board adjourns to Wednesday the 16th of November next.

November 16th 1768

At a meeting of the Board of Revenue. Present

The Honble Daniel Dulany, Esq^r

The Honble Walter Dulany, Esq^r
and George Steuart, Esq^r

Lib. No. 86 His Excellency the Governor being on the Eastern Shore
The Board adjourns 'til to morrow morning 10 o'Clock.

November 17th

The Board met according to adjournment, Present the
members as yesterday. His Excellency the Governor being
Absent they adjourn 'til 4 o'Clock.

p. 30 P. M. The Board met according to adjournment. Present.

His Excellency Hor^o Sharpe, Esq^r
The Hon^{ble} Daniel Dulany, Esq^r
The Hon^{ble} Walter Dulany Esq^r
and George Steuart, Esq^r

The Board proceed to take into Consideration the several
Papers laid before them by the Governor the 26th Ult^o

The Extract of a Letter from John Morton Jordan Esq^r to
the Gov^r and the notification, under His Lordship's Hand and
Seal, of his being appointed Supervisor of Accounts, Lands
and Revenues in and from this Province were read, Copies
of which are as follows:

Extract from John Morton Jordan's Letter dated at London
16th Aug. 1768

His Lordship has ordered me to send you his Instructions
relating to Connococheague Manor and the Reserve round the
said Manor also my appointment of Supervisor of His Lord-
ship's Accounts, Lands and Revenues in and from the Prov-
ince of Maryland, which you'll be pleased to communicate to
the Board of Officers for His Lordship's Revenue. My Com-
mission at present not being drawn compleat have it not in my
Power to send it as full as His Lordship hereafter intends it,
therefore shall not add more.

F Baltimore John Morton Jordan, Esquire, Supervisor
of Accounts Lands and Revenues in and from
the Province of Maryland.

I do hereby appoint and direct the said John Morton Jordan
to open a Correspondence with such Persons as he may think
properly qualified to give either Information or Assistance
towards the Improvement or collection of my Revenues, or
better Regulation of my Manors in the Province of Maryland.

A Double set of Accounts to be yearly sent to England from
p. 31 the Board of Revenues in Maryland, one to the said John
Morton Jordan for his Inspection and one to Hugh Hamersley
Esq^r for his Inspection. And the said Board to receive and
pay proper Attention to whatever Information and Assistance

the said John Morton Jordan may from Time to Time communicate thereon. Lib. No. 86

[Seal]

FB

Baltimore House 16th August 1768
witness'd by
Thomas Broughton
Jonathan Potter

The Instructions to His Excellency to give his Orders to the Judges of the Land Office to let Patents issue to John Morton Jordan Esq^r for Connococheague Manor & Reserve; The Board are of opinion, does not properly come under their Consideration as the Contents do not relate to any Business under their Inspection.

The Board determine that Reuben Meriwether, Esq^r is Commissioned, by His Lordship, to be Keeper of the Rent Roll for the Western Shore, & that the Preamble in said Commission is only to signify His Lordship's Pleasure to His Excellency the Governor. Ordered, That the Instruction relative to the Warrant of Anne Arundel manor to the Purchasers thereof, be entered on Record in the Land Office.

The Board adjourns 'til Monday the 21st Instant.

November 21st 1768.

The Board met according to adjournment. Present

His Excellency Hor^o Sharpe, Esq^r
The Hon^{ble} Daniel Dulany Esq^r
The Hon^{ble} Walter Dulany Esq^r
and George Steuart, Esq^r

His Excellency produces at the Board an Extract of a Letter p. 32 from Hugh Hamersly Esq^r mentioning That His Lordship not approving of M^r Allen's continuing Agent and Receiver General, had sign'd a Commission appointing M^r Mathew Tilghman to succeed him, being a Gentleman recommended to him as every way qualified for so important a Station. In consequence of which His Excellency wrote M^r Tilghman a Letter acquainting him that such Commission for him had been transmitted to be delivered, and has received for Answer, That M^r Tilghman declines accepting of said Office. His Excellency therefore desires the Sentiments of the Board, whether M^r Allen shall continue Agent until His Lordship's pleasure shall be further signified.

The Board are of opinion, that M^r Allen be called upon to inform the Board what sums of Money He has received since his Appointment to the Office of Agent, for His Lord-

Lib. No. 86 ship's use, and what Remittances He has made thereof and in what manner, for which Purpose They will meet again on Friday next at 10 o'Clock in the morning. A Copy of this Order, M^r Clapham is directed to deliver to M^r Allen without Delay.

The Board adjourn 'til Fryday morning 10 o'Clock

November 25th 1768

The Board met according to adjournment. Present

His Excellency Horatio Sharpe, Esq^r

The Hon^{ble} Daniel Dulany, Esq^r

The Hon^{ble} Walter Dulany Esq^r

and George Steuart, Esq^r

In consequence of the Order issued by the Board at their last meeting to the Rev'd M^r Allen, They receive his Letter this Day which is read and Ordered to be transcribed, Viz.

Agent's Office Novem^r 25th 1768

p. 33 There appears a disagreement between the 29th Article of Instructions delivered to the present Agent, by order of the Board of Revenue, and a Copy of an Order of the same Board dated November 21st 1768. The first requires him to have his Accounts ending the 29th of September ready for Inspection by the 25th of March in every year, and the latter calls upon him to give an immediate Account of all the sums of Money received and remitted to the present Instant, which time will not permit.

The Relation in which the Agent stands with respect to the Board of Revenue is explained in the last article of the Instructions, namely, That in case of any Doubts arising upon the Directions contained therein, He is to lay them before the Board for Explanation and that where no competent provision is made in the Instructions He is to apply to the Board for such Orders as the nature of the Case requires.

If the Board of Revenue have received any new Powers, the Agent begs a Copy thereof, agreeable to which he will endeavour to comport himself in the execution of the Office he has been invested with by His Lordship's Instructions bearing date in London November the 10th 1767 attended with an immediate Commission under the Power of which I act, which cannot, I apprehend, be superseded here, as the best Lawyers agree, and His Lordship shews his opinion upon the matter by sending in to M^r Tilghman an immediate Commission.

Bennet Allen, Agent.

To The Board of Revenue.

Lib. No. 86

The Board adjourn 'til 4 °Clock in the Afternoon. P. M.
The Board met according to Adjournment, Present, The
members as in the forenoon.

In as much as it appears to us that His Lordship is desirous p. 34
some other Person than M^r Allen should be his Agent and
Receiver General, and the said M^r Allen hath not given the
usual Security for the due Discharge and Performance of the
Duties of the Agent's Office, and especially as He hath refused
to comply with the Order of this Board bearing Date the 21st
Instant, and sets up a Claim of being exempted from the
Authority of the Governor in respect of his continuance in
Office; It is the opinion of the Board that M^r Allen ought to be
immediately Superseded by His Excellency, and some other
Person appointed Agent in the said M^r Allen's Place, such as
His Excellency shall think qualified for the same, the Agent
to be appointed giving Security as hath been heretofore done
for the due Discharge and Performance of the Duties of his
Office, and it is further the opinion of the Board that M^r Allen
be also called upon to render a full Account of all his Trans-
actions in the office of Agent from the time of his Appointment
to the time of his being Superseded, and that in Case of his
Refusal so to do, that the Attorney General be directed to put
his Bond in Suit.

His Excellency having thought proper to Nominate Daniel
of St. Thomas Jenifer Esq^r for the office of Agent and Re-
ceiver General in the room of the Rev^d M^r Allen, The said
nomination was approved of by the Board.

The Board adjourn til Monday the 28th Instant.

November 28th 1768

The Board met according to Adjournment. Present.

His Excellency Horatio Sharpe, Esq^r
The Hon^{ble} Daniel Dulany Esq^r
The Hon^{ble} Walter Dulany Esq^r
and George Steuart, Esq^r

The Instructions formed for the several Officers concerned
in the Receipt and management of His Lordship's Revenue
were read. The Instructions for the Rent Roll Keepers and
Farmers of Quit Rents being approved, are ordered to be p. 35
issued and the others referred for further Consideration.

Ordered, that the Clerk do furnish M^r Jenifer the present
Agent with a Copy of the late Agent's Instructions, as like-

Lib. No. 86 wise that he give Notice to Thomas Jenings, Esq^r desiring his attendance at this Board, as His Lordship's Attorney General. The Board adjourns 'til to morrow Morning 10 o'Clock.

November 29th 1768

The Board met according to adjournment, Present the members as yesterday. Thomas Jenings Esq^r agreeable to notice given him appears and takes a Seat as a Member of this Board.

Daniel of S^t Thomas Jenifer Esq^r and M^r Frederick Stone attend the Board to give Information of what passed betwixt M^r Allen and M^r Stone in consequence of a Demand made by the latter, on behalf of M^r Jenifer for all the Papers in M^r Allen's possession relative to the Office of Agent. The Substance of which will appear by the following Depositions, which are ordered to be transcribed.

I was ordered yesterday by M^r Jenifer to walk to M^r Allen's and wait there until he the said M^r Jenifer should come from the Governor's, where he went for an Order for the Papers relative to the Office of Agent. On my mentioning my Business to M^r Allen, he told me when he saw His Excellency's written order for the Papers he should answer it, that he should not deliver the Papers to M^r Jenifer as he apprehended His Excellency had not a Power of superseding his Commission, that he acted by virtue of the Powers granted him in a blank Commission immediately from Lord Baltimore and that, that Commission would be valid until it was superseded by the same Power that had granted it, and further that He the said Allen thought His Excellency's Power, as Governor, ceased immediately on his being informed that a new Governor was appointed and consequently this was an Inter-regnum to all intents and purposes, and that the sole Powers of Government were vested in the President of the Council.

p. 36 Sworn before me this 29th day } Frederick Stone
of Novem^r 1768. Geo. Steuart }

Two days after having received a Commission from His Excellency Governor Sharpe, to be Agent and Receiver General for Lord Baltimore, and very shortly after M^r Stone had been at the House of The Rev^d M^r Allen in consequence of my direction, I called at his House to deliver a Letter to Him from the Governor, which Letter, His Excel^r told me contained an Order for the delivery of all Papers relative to the Agent's Office. I rap'd at M^r Allen's Door, upon which a negro Boy came to me and said his Master was not at Home, whilst I was at the Door M^r Stone came up, I asked him if he had seen M^r Allen, he said, that he had, and that he was certain he was

within, having left him but a few minutes before, just as he, Lib. No. 86
M^r Allen, was going to Dinner: I thereupon went with M^r
Stone to the Governor to inform His Excellency with what
had passed between M^r Allen and M^r Stone; from the Gov-
ernor's I sent M^r Stone with the aforementioned Letter and
desired him to deliver it to M^r Allen or any other Person
belonging to his Family.

Sworn to before
George Steuart.

Daniel of S^t Tho^s Jenifer
Novem^r 29th 1768

In pursuance of M^r Jenifer's direction I went to M^r Allen's
and asked a negro Boy, who came to the Door, if his master
was at Home, he answered, that he was not, I told him I had a
Letter for his Master from the Governor which I wanted to
deliver him, the Boy again answered that his Master was not
within, but if I wou'd give him the Letter he would carry it
to him, upon which I delivered the Letter to the negro Boy
who carried it into M^r Allen's House; this happened to the
best of my Remembrance within half an Hour after I left M^r
Allen at his own House just going to Dinner. I called at M^r p. 37
Allen's this Morning and asked Miss Allen if her Brother had
received the Letter I left at his House yesterday, She an-
swered, she believed he had, and would send an Answer to the
Governor himself.

Sworn to before
George Steuart.

Frederick Stone

The several Instructions to be delivered to the Judges of the
Land Office, The Attorney General, The Clerks of the Pro-
vincial and County Courts being read and approved.

The Board adjourn 'til 4 o'Clock.

P. M. The Board met according to Adjournment. Present
the Members as in the Forenoon.

His Excellency the Governor lays before the Board a Letter
from the Rev'd M^r Allen which is as follows.

November 29th 1768.

Sir

I am glad to find the Board of Revenue have desisted from
carrying into execution Powers with which they are not in-
vested: the Board of Treasury in England having just as
much right of displacing the Lord Treasurer, as the Board of
Revenue have of removing an Agent Here. And little did I
think, after the declaration made by your Excellency on
Thursday night, which was that you should decline acting in
the Affair yourself, (which Conduct you followed with re-

Lib. No. 86 spect to the other Commissions, as M^r Meriwether inform'd me saying, that you deferred giving him possession of his 'til the arrival of the new Governor) to receive an Order to deliver up the Papers to Major Jenifer, as Agent appointed by your Excellency.

I explained to you my Sentiments in general upon the Subject of the Agency founded upon the best opinions I could obtain and maturely digested by myself. If that Paper should
p. 38 be thought worthy a second perusal as you only skimmed lightly over it on Thursday night, I would remit it.

Far be it from me to endeavour to invalidate your Excellency's powers, but I may with great deference observe, that there is an absolute distinction made in the Act of Assembly of 1704, between a delegated Commission and a Commission flowing from her Majesty her Heirs and Successors, and M^r Hamersley takes up the distinction in his Instructions of the 10th November 1767, and says, that the Lord Proprietary is to be considered loco Regis in this respect. It is evident that the same Power that gives can alone take away, and that therefore a Person holding under an immediate Commission cannot be removed by another holding under the self same Powers. It has been urged to me, that I do not hold under the immediate Commission, but under one derived from your own Authority.

This Argument is at best evasive and too unworthy of your Excellency ever to be urged by you, because the Commission might have been made use of, and it would be highly ungenerous to make me a sufferer by such omission, and therefore I do consider myself as holding under the Powers of the immediate Commission as much as if it had been filled up, and my Lord himself is of the same opinion, otherwise he would not have thought it necessary to supersede mine by another immediate Commission, but would have acted as usual by Instructions to your Excellency.

Your Excellency informs me that you have nominated Major Jenifer to be Agent and Receiver General in my Room. Yet, in whatever light I may now stand in His Lordship's opinion, I cannot think my Lord thinks Major Jenifer more worthy of the office of Agent than myself, otherwise His Lordship would not have turn'd him out of the Office of Keeper of the Rental. It is evident by this action that he did not intend him for Agent, otherwise he would have mentioned him in the Commission or Instructions, but His Lordship mentioned none
p. 39 other but M^r Tilghman and therefore none other can Act but He or I. He, if he had accepted and I upon his declining the Acceptance. My Lord orders me to resign to M^r Tilghman whom he has appointed: His Lordship has not ordered me to

resign to M^r Jenifer whom he has not appointed, To refuse the one would be flying in the Face of his Authority, to do the other would be a breach of Trust. How far M^r Jenifer's Security may weigh I cannot determine, my personal Security may be as good as his, and M^r Morris a Gentleman worth £40,000, and my Brother, Chaplain to the Duke of Montague, a Pluralist with an Estate in Expectancy, would have given any Security required as soon as they arrived in London in the Winter, and Letters had passed between my Lord, M^r Hamersley and those Gentlemen upon the Subject, my removal therefore appears equally unexpected and precipitate. Lib. No. 86

I think it extremely hard that His Lordship's good intentions should be frustrated with regard to me in every respect and put in execution with regard to every other Person tho' scarcely known to him by name. M^r Hamersley repeatedly assured me that I was destin'd to the Commissioner's Office or part of it, or for the Naval Officer's place of Patuxent. If the immediate Commission be not already filled up, it remains to be filled up, and half the Commissary's Office is as much vacant now as it was then, and I may hope that your Excellency would exert your Powers in one case as in the other.

I should be extremely sorry that my Lord's Affairs should suffer thro' me. They have not yet suffer'd since I have had them for eight months in my Hands, nor do I think they will suffer at all if I keep them four months longer 'til His Lordship's pleasure is known. I am very clear that no man can Act legally as Agent but upon my voluntary Resignation (if then) or by Deputation from me. I beg you will pardon the freedom of my Pen on this occasion being, with great Consideration,

Sir, Your Excellency's most obed^t &
most humble Servant.

Bennet Allen.

On the above Letter being laid before the Board by the Governor, and on Consideration thereof, as well as of the Depositions of Mess^{rs} Jenifer & Stone: It is the opinion of the Board, that M^r Allen be again called upon to render an Account of all Sums of Money received by Him since his Appointment to the office of Agent and the Remittances made by Him, and unless M^r Allen do comply with this Order, it is their further Opinion that the Attorney General do put his office Bond in Suit: But that M^r Allen may have no Colour for Complaint of rigorous Treatment, the Board recommend that the Attorney General may be instructed to call upon M^r Allen, explain the Irregularity and Indiscretion of his Conduct and advise him to comply with the order of the Board, p. 40

Lib. No. 86 and to give him notice that the Board will again meet on Monday next to receive the Account aforesaid.

As to the Insinuation contained in M^r Allen's Letter that the Board have assumed Powers which they have thought proper to relinquish, or any other Insinuation respecting the Authority of Government, the Board do not think the same worthy of their Regard.

The Instructions to the Commissary General and Deputy Commissaries were read and approved.

Ordered, that the Clerk do proceed in making out fair copies of the several Instructions to the different officers concerned in the Receipt and management of the Revenue in order for their being transmitted to His Lordship by the first Conveyance.

The Board adjourn til Monday the 5th of December next

December 5th 1768

p. 41 The Board met according to Adjournment. Present.

His Excellency Hor^o Sharpe, Esq^r
The Hon^{ble} Daniel Dulany, Esq^r
The Hon^{ble} Walter Dulany, Esq^r
George Steuart, Esq^r
& Thomas Jenings, Esq^r

M^r Jenings in pursuance of Directions from the Board at their last meeting, makes the following Report.

On Wednesday Morning the 30th of November 1768, I went to the House of the Rev'd M^r Allen, in consequence of the Direction I had received from the Board of Revenue, to request him to lay an Account of his Transactions as agent before them. I was informed by his Sister that he was from Home and his Return uncertain; she desired me to signify my Business to her, and that she would acquaint him with it. I told her that as he was not at Home, I would call again; She then asked me if my Business concerned the Agency, I told her it did; She then desired to know if it respected the Affairs I was to put in Suit, I replied it did not, and told her I would call again. On the Thursday or Friday Evening following his Sister called at my House and signified to me, that she thought it would be best for me to write to her Brother which I declined, and desired her to send me word when he returned and that I would wait on him. On Sunday Morning the 4th of December 1768, I received a Note from M^r Allen desiring to see me in the Afternoon, at which time I went and acquainted him with the request of the Board, that he would lay

before them an Account of the Monies he had received and the Remittances he had made during the time of his Acting as his Lordship's Agent and informed him that the Board were to meet the Day following when they would be ready to receive his Accounts and at the same time endeavoured to convince him of the Propriety of such request and to prevail on him to comply with the same: he replied that he had received the Agent's Commission to execute agreeable to particular Instructions and that He should take care to observe them, but that he did not apprehend the Board had any Right to call upon him to Account in this Manner, that if they had an Authority to compel him to lay his Accounts before them at present, they might with equal Reason call on him every ten days, which was treatment no Gentleman would submit to, and he alledged that this Demand implied a suspicion of his Conduct, which had been advantageous to my Lord, having remitted him the whole of what he had receiv'd including his Commission. Lib. No. 86

I observed to M^r Allen that the Board were willing to conduct Matters amicably of which he must be sensible by their desiring me to wait on him in order to signify their Request. He answered, that he was obliged to the Board for sending to him, but that he did not know what Powers they were invested with and expressed a Desire that they would send him their Commission & Instructions, that he was satisfied the Board had injured him as much as it was in their Power to do, that they could not prejudice him more than they had done, and he believed they would hardly attempt to issue General Warrants to seize his papers, and desired me to inform the Board that if they had anything to communicate to him, he should be glad to receive it in Writing that he might have an opportunity of sending an answer and transmitting an Acc^t of Matters to M^r Hamersley: he further alledged that he could produce his Accounts with as much Ease in an hour's time as six months hence, but it was matter of Punctilio, and that he did not chuse to gratify the Board. I then took my Leave of M^r Allen and this Morning, received from him the following Letter.

Sir

If the Board of Revenue make the Supposition of my going to England, as such a Report prevails, the pretext for demanding an immediate Account of the Transactions of my Office to be laid before them, I should be glad if you would inform them, that I have no intention of going to England before the 25th of March, the Day appointed by my Instructions to make up the Accounts ending the 29th September, 'til which time (no

Lib. No. 86 Commission arriving in the interim from England) I shall consider myself as virtual Agent, at least, of His Lordship in Maryland. I am

Dec^r 4th 1768
To Thomas Jenings, Esq^r

Sir Your very hble servant
B. Allen

Instructions to be observed by of county Esq^r
His Lordship's Rent Roll Keeper of the shore
To of County

1st As soon as possibly you can, you are to provide good Books and transcribe into them fair Copies of the Rentals of the several Counties on the Shore, and when finished, you are to lodge them with the Clerk of the Revenue Board: and in order that this work may be speedily compleated, you may take to your assistance, one, or more fit Persons as the Service may require; and the Board will give His Lordship's Agent directions to pay a Sum adequate to the Service of such Persons and for the Cost of the Books.

2^d You are annually to enter in the Rental of each County the additional Roll returned to you by the Judges of the Land Office

p. 44 3^d You are also to Enter in the said Rolls from the Lists which shall be returned by the Commissary General, or Register of the Prerogative Office, all Alterations in the Possession and Title of Lands whether the same shall happen by the course of Descent or by Devise and also from the Lists which shall be returned by the Clerks of the Provincial and County Courts all Alienations of Lands; and from time to time you are to correct all Errors that appear to you to have been committed in the said Rentals: which Returns when enter'd you are, with a List of all other Corrections, to deliver in to the Clerk of the Revenue Board.

4th You are every year to make out and deliver to the several and respective Receivers of the Shore, a fair and correct Debt Book for each County, leaving every other leaf blank, which Debt Books shall contain the names of all Persons that possess Land within the Counties for which they are respectively made, also the name & Quantity of every parcel of Land, under what Rent each Parcel is held, and what Quit Rent each Tenant is annually to pay for his Land, whether he may hold One or more Tracts; and the gross amount of such Books, you are annually to deliver to His Lordship's Agent.

5th Each Receiver is betwixt the 29th day of September and the 1st day of February annually to return to you the Debt Book he received the preceding year, together with another

Book similar thereto made out by him, containing such observations and Remarks as may appear to him to tend to the further perfecting the Rent Roll for such County as he may be appointed Receiver of with the following Probate certified by a Magistrate on the back thereof to wit. On the day of came and made Oath on the Holy Evangels that the foregoing Debt Book is to the best of his Knowledge, just and true, and that neither He nor any Person by him employed hath to his Knowledge, or Belief, received Quit Rents for any Lands that are not contained in the said Debt Book, nor other Rents than are therein Charged and that He knows of no Tracts of Land in said county, Patented Improved or Occupied, beside those which are Entered in the said Debt Book, and that the only Persons by him employed to assist in collecting the Quit Rents in the said County were which Assistants had severally taken a similar Oath.

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This Book so returned by the Receiver you are to compare with the Book you delivered him; you are then to State an Account Debiting the Receiver with the Gross Amount of said Debt Book, so adjusted, and giving him Credit for the several and particular Allowances He is entitled to from his Commission, or Instructions therewith delivered by His Excellency the Governor. Three fair Draughts of which stated Account shall be prepared and sign'd by both Parties one of which you are to take and deliver to His Lordship's Agent and another to the Clerk of the Revenue Board.

6th Should the Receivers claim Allowances that are not expressly mentioned in their Instructions, you are not to allow them, unless directed so to do by the Revenue Board, to whom all disputes between you and the Receivers are to be submitted.

7th If the Receivers do not return Books and settle their Accounts with you on or before the day appointed by their Agreement, you are within six days after the expiration of such time to signify in Writing under your Hand to the Board the Delinquency of such Receiver, and you are in like manner to inform the Board of every Officer who shall not do his Duty in making the proper Returns to your Office.

8th For all which Services as before enumerated His Lordship's Agent is to pay you five per Cent Commission on the net Ballance of each Receiver's Account that shall be Settled and Sign'd by you and returned as aforesaid; and to intitle you to your Commission you are (at the same time you transmit the Stated Accounts to the Agent) to certify that you have made all the necessary Alterations that have come to your Knowledge, on the general Rent Roll for the next year's Collection

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Lib. No. 86 Lastly. You are to return all Books and Papers relative to His Lordship's Affairs when called upon for the same by the Board of Revenue.

Instructions to be observed by His Lordship's Receiver
in County dated this day of To
of County

1st You are to collect and Receive all the Quit Rents which have become due to the Lord Proprietary from the day of last past, and which shall hereafter become due to His Lordship until the day of which shall be in the year of our Lord within the county of and shall be answerable for and chargeable with, the whole amount of the Quit Rents, in the said County of and you shall use all Legal ways and means whatsoever, for the recovery thereof, as fully and amply as any Bailiff, Receiver, or other Officer, may lawfully take, or pursue for the Purpose aforesaid; and in His Lordship's name, or your own, to sue, implead or distrain, as the Case may require, for any Rents so due, or to become due, in the said County. You are forthwith to apply to Rent Roll Keeper of the Shore and require of him a Debt Book for county, the said Debt Book to contain the names of all Persons that possess Land
p. 47 within the said County, also the name and quantity of every parcel of Land, and also to shew under what Rent each parcel is held, and what Quit Rent each Tenant is annually to pay for his Land; whether he may hold one or more Tracts, such Rents being payable and to be by you Collected at the Two most usual Feasts in the year, Viz. Lady-day and Michaelmas by even and equal Portions.

2^d In the Debt Book to be delivered to you, as aforesaid, every second Leaf to be left blank, and you are thereon to Enter or note every Alienation, by Sale, Descent, Devise or otherwise, of any Land in said County, that shall or may happen, after such Debt Book shall be delivered to you, or that hath or may have before happened but not have come to the Knowledge of the Rent Roll Keeper. You are also to note on such blank Leaves all such Remarks and Discoveries as you may have an opportunity of making, with regard to Errors or Defects in the said Debt Book, and if you shall discover that any Lands lying within county are not truly charged in the Debt Book, you are to enter them on one of the blank Leaves, and immediately to demand from the Possessor, the Arrears of Rent that may be due, you are to consider the making Enquiries in order to discover Lands so circumstanced as an essential part of your Duty, and that your Remarks so to be Entered in the blank Leaves, will enable

the Rent Roll Keeper to whom the same will be returned to Lib. No. 86
make the Rent Roll of County compleat and perfect.

3^d You shall on the 25th day of July next, and in every
ensuing year, during this your Commission, pay unto His
Lordship's Receiver General for the time being at his dwelling
House one third part of the gross Amount of the Quit Rents
which shall appear by the year's Debt Book to be due in the
County of in Sterling Money or good Bills of Exchange p. 48
payable in London at, or under, Forty Days Sight, or in
foreign whole Gold at Three pounds Seventeen Shillings and
Six pence the ounce and mill'd Spanish Dollars at Four Shil-
lings and Six Pence each, or at such other Rates as the Officers
of the Revenue Board shall hereafter, at the beginning of each
year's Collection direct the same to be taken and received by
you from His Lordship's Tenants.

4th You shall on or before the first day of February in every
year, during this your Commission make a full and compleat
Settlement with the Rent Roll Keeper of the Shore, and
you are besides the Debt Book delivered you for the year's
Collection to produce to him a fair one, containing all your
Remarks, as to any Defects or Errors of the former, with the
addition of all such Tracts or parcels of Land as shall be by
you discovered and not before charged:

To this Debt Book when delivered unto the Rent Roll Keeper
for the time being, you are required to make the following
Probate, to be certified by a Magistrate on the back thereof
Viz:

On the day of came and made Oath on the
Holy Evangelists, that the foregoing Debt Book, is to the
best of his Knowledge just and true; and that neither He nor
any Person by him employed, hath to his Knowledge or Belief,
received Quit Rents for any Lands that are not contained in
the said Debt Book, nor other Rents than are therein Charged,
and that He knows of no Tracts or Parcels of Land in said
County Patented, Improved, or Occupied beside those which
are entered in the said Debt Book, and that the only Persons
by him employed, to assist in collecting the Quit Rents in the
said County were A. B. &c. which Assistants have severally
taken a similar Oath.

5th When the Debt Books shall have been compared, ex- p. 49
amined and adjusted, and the allowances to be made you
settled, and the Rent Roll Keeper shall have drawn up and
Stated an Account, Debiting you with the Gross Amount of
said Debt Books and Crediting you for every Allowance, Two
fair Draughts thereof are required to be prepared and sign'd
by yourself as well as the Rent Roll Keeper, one of which you

Lib. No. 86 are to take and produce with your Debt Books on a Settlement with the Receiver General.

6th You are immediately after Settlement with the Rent Roll Keeper to produce to His Lordship's Receiver General, the Debt Book that shall have been laid before, and examined by the Rent Roll Keeper, and also the State of the Account by the said Rent Roll Keeper and you signed and to pay to him the whole amount of the Quit Rents due to His Lordship in county except such Sum, or Sums of Money as shall have been before by you paid to him, the said Receiver General allowing you at the rate of per Cent Commission on the whole Sum by you paid for the year's Collection.

7th You are to be very punctual in settling with the Rent Roll Keeper and in making due Payments to His Lordship's Receiver General, at the respective times herein before directed.

8th You are to mention in the Receipts by you given for Rent, the Sum, time when due, the quantity of Land and the name thereof, taking care that arrears of Rent be first accounted for and discharged

9th You are in your Remarks to note down where the Tenant in charge holds not in his own Right, and what Lands are thought or reported to be Escheat.

10th Whereas there may be Tracts or Parcels of Land, charged in the Debt Book that are cut off by the divisional Lines now run between this Province and the Province of
p. 50 Pennsylvania for which you shall be allowed upon your making Oath, that you have used your best endeavours to get information where such Lands lie, and that you believe they do really lie without the Limits of this Province, as described by the boundary Lines lately run.

11th And whereas Persons living near the boundary Lines may in order to evade paying the Quit Rents due thereon, pretend that part of the Tracts or parcels of Land, by them respectively held, lie without such Lines (that is in Pennsylvania or the three Lower Counties) you are nevertheless to demand the whole Quit Rent for such Lands; but at the same time if you have reason to believe, that the Line really passes thro' such Land, you are to receive such part of the Rent, as the Tenant shall be willing to pay, and give him a Receipt for such part so by you received specifying the number of Acres he admits to be in this Province, and noting also in such Receipt that he engages to pay for the Residue of the Tract or such other Part thereof as may on its being Surveyed, be found also to be within this Province: you are to obtain, also

if you can, from such Tenants some promissory Writing to Lib. No. 86 that Purport.

12th You are not accountable for the Rents of any Lands, which shall be made appear to be included in any other Survey, and for which the Rents shall be paid, nor more than once for the Rent of any Tract or Parcel of Land, altho' the Rent by mistake be twice charged, either by One and the same or by different names.

13th You are not accountable for any Sum or Sums of Money which shall be overcharged for any Rent in the afore-said Debt Books, that shall appear not to be really due, nor for Lands that shall lie in different Counties.

14th Where Lands belong to Persons residing in the neighbouring Provinces, or beyond Sea, or to Minors having no Guardian, and you shall make it appear, that Distress cannot p. 51 be made, or other means be used for the Recovery of the Rents received thereon, you are to be allowed for the same, but you are when required by the Board of Officers, to take out Attachment and pursue all other measures that shall be directed for the Recovery thereof.

15th For the better enabling you to do your Duty, all Officers are hereby required to give you access to their respective Offices, with liberty to search the Records in the presence of themselves, or Deputies, having the keeping thereof, and to take and transcribe copies of any Deed or Instrument needful for the same, or discovery of any Rents due to the Lord Proprietary, without being obliged to pay any Fee or Reward for such Search, and for taking and transcribing such Copy of any Deed or Instrument, or so much thereof as shall be necessary for the purpose aforesaid, but you are not to require the Clerk or other Officer, having the keeping of such Records to write make or transcribe any such Copies without being paid for the same; and after the Expiration of this your Commission, you are to return all such Transcripts and Copies to the respective Offices they shall be taken from; and where any Contest or Dispute shall happen between you and any of the Tenants, concerning the Quit Rents, you are to apply to His Lordship's Attorney General from time to time for Advice and Assistance, when such Application can be made conveniently, and when such Application cannot be conveniently made to the said Attorney General, you are to apply, for the purpose aforesaid, to the Prosecutor for county aforesaid, and you are not to be liable to pay any Fees for Advice and assistance, or to any other Officer in case of Suit, unless when Recoveries shall

Lib. No. 86 be had, and then to pay all Fees usually paid by others suing in their own Right.

Lastly. You are required to observe and perform all such other and further Instructions, concerning the Premises or any of them as shall from time to time, be given you in Charge
p. 52 by the Persons appointed by His Lordship's Commission, bearing Date the 22^d day of March 1766, for the better Regulation and management of his Revenue, or the Major part of them; and you are to return all Books & Papers relative to His Lordship's Affairs when called upon for the same by the Board of Revenue.

Form of the Receiver's Commission.

Horatio Sharpe, Esq^r Governor of Maryland To A. B. of county Gentleman. Greeting.

Whereas the Right Honourable Frederick Lord Baltimore by his Instructions under his Hand and Seal bearing Date at London on the 30th day of March in the second year of his Dominion hath authorized and impowered Me to Farm all his Quit Rents, or otherwise as I might think it best for his said Lordship's Service.

Now know Ye, that in Pursuance and by virtue of the aforesaid Instruction, and the Power and Authority therein contained and having and reposing great Trust and Confidence in your Capacity, circumspection Diligence and Probity, I do by these Presents constitute, appoint and Commissionate you the said _____ to collect and receive all the Quit Rents
p. 53 that have become or fallen due to the said Frederick Lord Baltimore, from the _____ day of _____ last past, and hereafter shall become or fall due to his said Lordship until the day of _____ which shall be in the year &c^a within the said County of _____ hereby fully authorizing and empowering you the said _____ to use and prosecute all proper and lawful means for the due & regular Receipt, Collection and Recovery thereof, and that as fully as any Bailiff, Receiver or other Officer may, might, or could use or prosecute for the Purposes aforesaid; To have and to hold, use and to exercise the Powers and Authorities and all and every of Them in this Commission contained or thence arising, for and during the Term of years, you the said _____ strictly and faithfully, observing, performing and discharging all and singular the Instructions, Matters and Things given or to be given you in Charge concerning the Premises in and by a certain Writing with these Presents delivered and bearing even date with this Commission, the said Written Instructions being Intituled

His Lordship's Lib. No. 86

N B. There are Duplicates of the Commission and Instructions the one to be in the possession of the Receiver, the other to be lodged in the Revenue Office with the Receipt of the Receiver Indorsed thereon and the Receipt Witnessed by the Clerk of the Office. The Receipt is to the following Effect.

Condition of the Bond.

Whereas His Excellency Horatio Sharpe, Esq^r by Commission bearing Date on this day of in the year &c. and directed to the above bounden hath constituted, appointed and commissioned Him the said to collect and receive certain Quit Rents due, and which shall be due in county to the Right Honourable Frederick Lord Baltimore and whereas certain Written Instructions bearing even Date with the said Commission, have been with the said Commission delivered to the said the said Instructions being relative to the Duty of the said in his said Office of Receiver of the said Quit Rents, and being referred to in and by the said Commission, as by reference being had to the said Commission and Instructions or to the Copies thereof lodged at Annapolis in the Place called the Revenue Office may more fully and at large appear.

Now the Condition of the above Obligation is such, that in case the said shall well, truly, diligently and faithfully demean himself in his aforesaid Office of Receiver and justly and duely observe, perform and discharge all the Duties and Services of and in his said Office according to the Tenor and true intent and meaning of the said Commission from time to time and at all times during his Continuance in his said Office and also shall duely, diligently and faithfully, observe, perform and discharge all and every the matters, Things and Directions in the Written Instructions aforesaid

Lib. No. 86 contained according to the Tenor true Intent and Meaning thereof, then the above Obligation to be void, otherwise to be and remain in full Force and Virtue.

Instructions to be observed and pursued by the Judges of His Lordship's Land Office

1st You shall not permit any Warrant to issue or other Act or Thing to be done in your Office which may entitle any Person to Land within this Province until the Agent and Receiver General shall have certified the caution Money to have been paid.

p. 55 2^d You shall not suffer any Patents to issue upon any Certificate founded either upon Warrants of Resurvey, Escheat Warrants, or Warrants under the Proclamation or any Special Warrant until the Agent has given a proper Receipt for the Caution Money as well as for the Value of the Improvements and arrearages of Rent, and His Excellency the Governor and Chancellor has signified his approbation, nor are you to suffer Patents to issue upon Certificates returned by virtue of common or Special Warrants if there is more Land included in the Survey than the Party had Warrant for until the Excess is paid for.

3^d You are to keep a File in your Office for the Titlings given by the Agent empowering you to issue either common or Special Warrants. You are also to keep a Book for the Purpose of recording all these Titlings with the name of the Person to whom the Warrant is Granted and for what number of Acres. You are also to have Columns in the same Book to distinguish the Money paid upon Certificates of all Sorts and return the said File and Book every year into the Revenue Office for Examination

4th When a Warrant for a determinate number of acres is obtained, as more than is expressed is sometime Surveyed, so is a lesser number of Acres, and the Party after applying part of His Warrant to one Survey is at liberty afterwards to apply the Residue 'til the whole Warrant is exhausted in other Surveys, and it not unfrequently happens, that Warrants for a determinate number of Acres are applied to make good the Consideration becoming due on Certificates of Surveys made in pursuance of Warrants for an indeterminate number of Acres, in consequence of this Connexion between the Agent and Land Office, the required check may be easily formed

5th You shall not pass any Lands hereafter to be granted unto our Secretary, Agent, Commissary General, Judge of the Land Office or Attorney General, or their Wives and

Children, until special leave shall be had and obtained from His Lordship or the Lieutenant Governor for the time being, but that any of the said Officers may by Warrant and Location have a Survey made to intitle themselves to the preference of Land liable to be Granted. Lib. No. 86
p. 56

6th You shall not issue any Warrants to yourself or Family unless the same is Signed by the Lieutenant Governor and Chancellor

7th You shall keep Authentick Records of your Proceedings.

8th You are to return yearly to the Keeper or Keepers of the Rent Roll for the time being by the 1st of February an exact List of all the Patents made out by you the preceding year.

9th There shall be in all Warrants a Clause inserted by way of Proviso, that the Grant shall be taken out within the space of Two years from the Date of the Warrant, which said Clause you are hereby enjoined so strictly to observe as not to suffer any renewal of the said Warrants after such time or any Grant to issue contrary to the true intent and meaning thereof.

10th And to encourage the Discovery of Escheat Lands or Houses one third part of the value or worth which shall be set on such Lands or Houses shall be allowed to any Person who shall first discover the same, in the Composition or purchase Money which He ought to pay for the same, and that such Discoverer shall have the Preference or Preemption without Exception.

11th That no Caveat be permitted to continue longer than Six Months nor be renewed after that time, unless upon very special Circumstances.

12th You shall not suffer a Patent to issue upon any Certificate that has not been returned Three months into your Office. p. 57

13th In case of Warrants of Resurvey hereafter to be issued notwithstanding the general Power therein to add all or any contiguous Vacancy, yet, unless the Party who shall obtain the same do make a particular Location thereof on the Land and number of Acres he shall intend to Secure, within Eight Months after the Date of such Warrants, such Person shall not have any preference before any Person interested in any other Warrant, on which a prior Survey shall be made.

14th No Warrant under the Proclamation to be granted to any Person or Persons, who shall not first make Oath, That He doth not apply for such Warrant for, or on the behalf of, or in Trust for, or upon any Agreement with any Person or

Lib. No. 86 Persons that was, or were Interested in the former Warrant, or the survey thereon to be Affected by the said Proclamation.

15th If upon any Determination, or Caveat, or otherwise, any Person interested shall give Notice in your office of his intention to appeal therefrom to the Board of Revenue and shall within Two Days after such Determination accordingly enter his appeal with the Clerk of the Revenue Board, fully explaining the Reasons, and verifying the Facts, on which He shall found his Appeal: you are not to carry such Determination into Execution until such Appeal shall be dismissed by the said Board.

p. 58 Orders and Instructions to be observed and pursued by
Deputy Surveyor of County in the Province
of Maryland.

Oath of Office

I will truly and faithfully execute my Office of Deputy Surveyor of county and observe and perform the Rules and Instructions given me in Charge for the same to the best of my skill and Judgment and will not take, bargain or agree, for any manner of Estate, Interest or Profit in, of or from, any Warrant, or Location or Survey thereon, (except the usual and accustomed Fees) that shall be executed by myself, or any assistant appointed by me, nor will I return any Certificate of any Survey wherein my Assistant shall to my Knowledge, or belief, be in any manner Interested, or of any Survey not actually made by myself, or not returned to me by my Assistant, duely appointed and qualified, as actually made by him, nor will I sell or assign to any Person or Persons any Warrant, or share, or part of any Warrant to be executed in the said county, whilst I shall hold the Office of Deputy Surveyor therein.

The taking of the above Oath to be certified by some Magistrate & lodged in the Revenue Office.

Oath of the Assistant

I will truly and faithfully execute my Duty as Assistant to Deputy Surveyor of County and observe and perform the Rules and Instructions given me in Charge for the same to the best of my Skill and Judgment, and will not take, bargain, or agree, for any manner of Estate, Interest or Profit in, of, or from, any Warrant, Location or Survey thereon (my just dues of Office excepted) that shall be executed in the said County, during the time I shall Act as Assistant as aforesaid, nor will I return any Lines, or Survey,

p. 59 as run or made by myself, unless such as shall actually be so

run or made, nor will I sell or assign any Warrant, or share, Lib. No. 86
or part of any Warrant to be executed in the said County
during the time of my acting as assistant as aforesaid.

The said Oath to be certified as aforesaid.

1st Upon receipt of any common Warrant you are to note down in a Book (to be kept by you for that Purpose) the time of your receiving it, the quantity of acres included therein, the date thereof, and on what place the Person obtaining it, Locates the same Warrant; and when any Person offers a Warrant for Location on Land upon which some other Person has already entered a Warrant to affect the same; You shall, if required, produce your Book of Entries and shew him that Entry or Location, if such demand be made at your House or any other Place where your Book of Entries shall be.

2^d You are upon all Primitive Surveys to describe your beginning as well and full as the Thing will admit of, and then only mention course and Distance to the last course, which is always to be thus Expressed: Then with a straight Line to the first Beginning.

3^d You are by no means to survey or return a Certificate for a greater number of Acres than are expressed in your Warrant, unless to include the whole of such Vacancy as shall lay between any Two or more Tracts of Land, giving this as a Reason for having exceeded the quantity mentioned in your Warrant.

4th As soon as you execute any Warrant or any part thereof, you are to indorse on the back of your Warrant, that it is executed, or that such part thereof, (which you must Specify) is Executed: You are also to indorse the name or names, of the Land to which the Warrant is applied and sign the same Indorsement.

5th If any Person assigns to another a Warrant, or part of a Warrant, you are to note it down on the back of the Warrant, and also before you execute any Warrant, or lay out any Land, by virtue of such Assignments, you are to have an original Assignment on a separate Paper to be by you returned p. 60
to the Land Office, with your Certificate of such Survey.

6th You are to make all your Surveys as regular and square as you possibly can, and by no means unite one bit or Spot to another by a String, or Line, and, when it can be done, you are always to make the Line or Lines of one Tract the Line or Lines of another, that no small Parcel, or spots of vacant Land may be left out.

Lib. No. 86 7th You are not to execute any Warrant after it is out of Date; and whereas it is said to have been a frequent practice, for Persons having Warrants to carry Surveyors to execute the same, & then after they have run a Line or Two to break off, on pretence of wanting better Information concerning the bounds of adjacent Tracts and by this means let such Warrants run out of Date, and afterwards compleat such Survey and return Certificate thereof before the Two years expire, you are to observe that such beginning to run or execute a Warrant is to be deemed a Nullity, provided such Warrant actually run out of Date before the Survey shall be Completed and Certificate returned according to the obvious Construction of such Warrant, and in case the Party does not renew it, as if no such beginning had been made, you are to consider such Warrants as out of Date and Expired, and give the preference to any subsequent Warrant, which shall come to your Hands to affect such Land agreeable to the preceeding Direction.

8th Whereas Resurveys are often made to throw, or leave, out Land that is suggested to lie within elder Surveys, and great abuses have been Committed by turning out indifferent Land (altho it lay not in elder Surveys or prior Patented Tracts) and taking in good Land in Lieu thereof, you are when a Warrant for making such Resurvey is hereafter brought to you, first to resurvey according to its ancient meets and bounds the more Ancient Tract (in which part of
p. 61 the Tract that you are required by the Warrant put into your Hands to Resurvey, shall be said to be included) and in your Certificate you are to insert the Name of such more ancient Tract, the name of the Patentee thereof and the time when it was taken up after which you are to Resurvey the Tract for Resurveying which, the Warrant put into your Hands shall have been Granted: This mode of proceeding will enable you to discover certainly, whether any and what of the younger Tract is included in, and taken away by the elder Survey, and you are always by proper Words to denote and distinguish the same in your Plot, and in your Certificate; after alledging that you have surveyed the several Tracts separately according to their ancient meets & bounds (beginning with the most Ancient) and that you have added—acres of vacant Land (in case any vacancy is to be added by virtue of the before mentioned Warrant of Resurvey) you are then to describe or give the out Lines of such Resurvey, which you are by the Warrant directed to make, and for which Patent is to be issued (saying) “Lastly beginning for the out Lines of the Resurvey by virtue of the before mentioned Warrant at” &c^a

and at the bottom of your Certificate you are to give Tables of Courses (referring by Figures to the Plot) Viz. The Courses of the more ancient Tract or Tracts into which it is alledged that such younger Survey to be Resurveyed does run, the Courses of the former Survey now to be Resurveyed, the Courses of the Vacancy or Vacancies added, and lastly, the Courses of the Resurvey or Land for which Patent is now to issue, And when you rectify any Error in such former Survey, now to be Resurveyed and Patented you are in your Certificate to note and mention what the Error was, to what it was owing and how you have amended the same, and where there shall be any Surplusage or any Deficiency discovered on a Resurvey. You are to mention in your Certificate, what is such Surplusage, or Deficiency, and how you apprehend such surplusage or Deficiency happened. Lib. No. 86

9th You are when Ordered to Resurvey two or more Tracts into one, they being contiguous to each other, first to Resurvey them severally according to their respective ancient meets and bounds: and you are to insert in the Plot, as well as in your Certificate, their original names and quantity of Acres, within their respective Lines, and in your Certificate say "Lastly beginning for the out Lines of the Resurvey, made by vertue of the before mentioned Warrant at" &c^a and give the Courses thereof

10th In Resurveying of Escheat Land, you are to lay it down according to its ancient meets and bounds: If the Party be not satisfied therewith, the Land must lie for any other who will take it on those Terms, and you are to be very particular in your Certificate, as to the number of Acres, Kind and quality of the Improvements, as well as of the Quality of the Land; If it be alledged that part of it lies within an Elder Survey, you are in that Case to observe the Directions before given in the Eighth Article of these Instructions. p 62

11th Where a Party applying for a Resurvey shall be possessed in Fee of part of a Tract only, on the Party's producing an attested copy from the Land Office of the Courses and Distances of such original Tract, of which, the Land you are required by the Warrant put into your Hands to Resurvey shall be said to be a part, you are to follow (as occasion be) the directions already given in the Eighth, ninth and Tenth Articles of these Instructions with this Difference, that where they direct the Resurveying the Original Tract according to its ancient meets and bounds, you are in this case to Resurvey no more of the Original Tract, than such a part of it as the Warrant put into your Hands shall direct, with a Line, or Lines from the first or other certain Boundary of said Orig-

Lib. No. 86 inal Tract, so as to ascertain that the quantity thus Claimed,
 doth really lie within the bounds of the Tract, of which it is
 p. 63 said to be a Part: And in your Certificate after alledging that
 you have run such Line, or Lines from the first or other certain
 Boundary of such original Tract (mentioning the Tract such
 Boundary and the Patentee thereof) you are to declare, that
 the whole quantity, so claimed, or such a part of it (men-
 tioning the quantity) now returned by you, doth lie within
 the Bounds of said original Tract. When in your Certificate
 you are to describe the out Lines of the Resurvey, for which
 Patent is to be issued—say Beginning (or Lastly “Beginning
 as the Case may be) for the out Lines of the Resurvey, by
 virtue of the beforementioned Warrant. At the end of —
 Perches and Links in the Line (or Course) of —.”
 With regard to all other particulars, you are to observe the
 directions given you by these Instructions.

12th You are (when directed to include Vacancy) to take in
 the whole, except the quantity be more than the Petitioner
 chuses to take up, in which case the remainder is not to be less
 than One Hundred Acres, and that to be left in a Body entire,
 for you are by no means to leave small parcels in Slips, or
 otherwise nor are you to run into any elder Survey, or run a
 String, or Line across any Surveyed Land whatever (altho
 it should belong to the Person obtaining the Warrant of Re-
 survey) in order to include Vacancy; but such Vacancy shall
 be taken up by a Common or other Special Warrant as the
 case may require, unless the Party Resurveys the Tract, or
 Tracts (being his own) to which it is adjoining, be it in one or
 more Parcels. In your Certificate (immediately before you
 begin to describe the out Lines of the Resurvey for which
 Patent is to issue) you are to insert the quantity of Vacant
 Land so taken up. On the Plot returned with the Certificate
 where Vacancy shall be added you are to insert the Words
 p. 64 (“Vacancy ——— acres”) if it be in more Parcels than One,
 then in each of the said Parcels insert “(1st 2^d or 3^d) Vacancy
 Acres” also in your Plot on the out side of the Lines of
 each Vacancy, you are to insert the names of the Lands, or of
 the Owners of the several Tracts surrounding it; and at the
 bottom of your Certificate, you are to give Tables of Courses,
 referring by Figure to the Plot, as before Directed.

13th You are not upon resurveying any original, or former
 Survey of a Tract of Land, to call in your Certificate of Re-
 survey for a Boundary, or Line of any other Tract of Land,
 unless such Boundary, or Line be expressly called for in the
 Certificate of such Original, or former Survey; and where you
 propose running to such Boundary, or Line as being called

for in such Original, or former Certificate, You are hereby required to measure the true Distance to such Boundary or Line; and when you are to run with such or any other particular Line of a former Survey, you are actually to measure the true distance that you shall run with such Line, and you are to be particularly careful that you are not imposed on with regard to the truth of such Boundary, or course, or length of such Line; nor are you to return to the Land office any Plot, or Certificate for Land of which either you, or your assistant have not actually measured every Line. Lib. No. 86

14th You are not to Locate any common Warrant (or execute a Warrant of Resurvey to include Vacancy) on His Lordship's Manors or on any part thereof unless a particular Special Warrant be to you directed for that Purpose; nor shall you Locate any common Warrant (or execute a Warrant of Resurvey to include Vacancy) on Lands lying within Three Miles of any of His Lordship's Manors, (except as above p. 65 excepted) nor on any of His Lordship's Reserves.

15th You are on all Surveys, whether Special or under Proclamation when you include Cultivated Land to be very particular in your Certificate as to the number, Kind & quality of the Improvements.

16th You are upon Discovery of Vacant Lands rough, or cultivated, or Land forfeited to His Lordship, adjoining or contiguous to any of his Manor Lands or Reserves to give notice to the Land Office, that a proper Warrant may be issued in order to its being added thereto.

17th In resurveying old Tracts, whereof part may be found to lie in the Water, you are to be careful in certifying whether it is likely to have been washed away, or to have been an Error in the original Survey.

18th As there are Directions given in the Eighth Article of these Instructions, for many particulars that are not elsewhere taken notice of you are at all times, in Case of doubt, to refer thereto.

19th You are at all times to give the strictest attention to the Directions contained in the respective Warrants issued to you out of the Land Office, paying due regard however to these Instructions.

20th You shall endeavour to discover whether any Person, or Persons are in the possession of, or occupy Lands in any part of the County of which you are Surveyor that doth not pay Rent for the same, or others not having procured Patent, or Lease for the same from His Lordship's Agent or the Land Office; and in Case you make any such discovery, you

Lib. No. 86 are to advise the Governor, or His Lordship's Receiver General thereof.

p. 66 21st You are not to suffer any Person to run out the Lines of, or execute any Warrant for you, unless an Assistant properly qualified; and to prevent all Disputes about the priority of Entries, or Locations of Land, no assistant shall presume to receive or enter the Location of any Warrant, whatsoever; that Power being solely vested in the Deputy Surveyor; nor shall you appoint any such Assistant 'til he shall be approved of by the Surveyor General, and when you apply for such approbation you are to set forth the Reasons that induce you to make such Application, and after your Assistant (being approved of by the Surveyor General) shall have entered into Bond with Two sufficient Sureties to you, or your Executors, for the true and faithful execution of his Trust, or Employment, and shall have qualified to this Effect: That He will truly and faithfully, to the best of his Knowledge and Power, discharge and execute such his Trust and Employment, you are forthwith to return a Certificate of such his Qualification to the Surveyor General whose approbation, or permission shall be expressed or recited in the Order or appointment, which you make & deliver to your assistant; and you are also to give him a Copy of these your Instructions.

22^d Whereas the following being an Article of Instructions, delivered to the Judges of the Land Office Viz. In case of Warrants of Resurvey hereafter to be issued, notwithstanding the general Power therein to add all or any contiguous Vacancy, yet, unless the Party who shall obtain the same make a particular Location thereof on the Land and number of Acres He shall intend to secure, within Eight months after the Date of such Warrants, such person shall not have any Preference, before any Person interested in any other Warrant, on which a prior Survey shall be made you are hereby required to Act in Conformity therewith.

23^d In case you should afterwards dismiss your Assistant, you are to give notice thereof, to the Surveyor General, with your Reason for so doing.

p. 67 Instructions to the Commissary General.

1st You are to return to the Revenue Officer a List of all Devises, when the Wills are Proved in the Prerogative Office, and likewise the Lists which shall in Virtue of the Instructions to them be transmitted to you from time to time by the Deputy Commissaries of the several Counties.

2^d When a Will is brought to you for Probate, you are to enquire who is the Devisor's Heir at Law, what Lands by

name, that belonged to him, are not disposed of by the Will, and when the Lands devised are not named; you are to enquire what is the Patent name of such Land. Lib. No. 86

3^d You are to transmit to the Deputies of the several Counties respectively the Instructions of the Board on this Head, and upon Death or Removal to send the same to the new Deputy, with your Commission appointing him to the Office of Deputy Commissary.

Instructions to each Deputy Commissary

1st When a Will is brought to you for Probate, you are to enquire who is the Devisor's Heir at Law, what Lands by name, that belonged to him, are not disposed of by the Will, and when the Lands devised are not named, you are to enquire what is the Patent name of such Land.

2^d You are to make out a List of all Lands devised by the Wills proved before you, and transmit with the Wills, the said List to the Prerogative Office, whenever you make your Returns. You shall also at the same time, send all the information you can Collect respecting the Matters contained in the first Instruction.

Instructions for the Clerk of the Provincial [Court] and the Clerks of the Counties. p. 68

1st You are to keep a particular and distinct Docket of all Fines which shall be paid, with brief notes of the time, the name of the Person fined, the quantum of the Sum & the nature of the Offence; and also the Security given when not paid down.

In the Docket of the Attorney General, or Prosecutor every Court a List of these as well as of all other Recognizances to be inserted. After every November Court, a List to be made out of all Persons, from whom Fines shall be due, as well Principals as Sureties, and delivered to the Sheriff that He may demand and receive the same, and also a distinct & particular Copy of the Premises to be transmitted to and lodg'd with, the Clerk of the Board of Revenue, by the first day of January yearly and every year, with the addition of such Recoveries as shall be had on quitam Action.

2^d A List also to be returned as aforesaid, by the Time last mentioned, of all Conveyances brought into your Office to be Recorded, distinguishing by the name and quantity of the Land granted, and of the Parties and the dates of the Deeds, and also in the same List, to be in the same manner formed, such Lands to be mentioned, as shall be Condemned on attachment, and taken on fieri facias, or other Execution

Lib. No. 86 Process, and also of such Lands as shall (in the Provincial Court) be recovered on Ejectment, and whereof common Recoveries shall be Suffered.

p. 69

Instructions to the Attorney General.

You are to receive from the respective Clerks of the County Courts & from the Clerk of the Provincial Court, a particular and distinct Docket of all Fines which shall be imposed and paid at each Court, with brief notes of the Time, the names of the Persons fined, the quantum of the sum and the nature of the Offence, and also the Security given when not paid down; which Dockets you are to lodge with the Clerk of the Board of Revenue by the first day of January yearly and every year; and you are to give Directions to the Prosecutors in the several Counties, to observe the like Conduct.

You are also to observe the Returns of the respective Sheriffs made to the Board of Revenue, concerning the Collection of such Fines; and to take proper measures for the Recovery of all such Sums as may remain uncollected by the said Sheriffs.

You are also to observe when any Person being Free, shall be Convicted of any Offence, on which a Forfeiture of Lands arises. You are to take a short note of the same on your Docket, to be returned as above.

Instructions to the Sheriffs.

You shall faithfully return to the Board of Revenue a just account from time to time of all Fines and Forfeitures you shall receive, and from whom and upon what Account, and of your said Return, you shall lodge a Duplicate with the Clerk of the County Court of your County, and at all times inform the Attorney General, or Prosecutor, what Fines and Forfeitures you shall receive when thereunto requested by him.

p. 70

Instructions to the Examiner

You are to return into the Revenue Office by the first of February yearly, an exact List of all Certificates examined and passed by you from time to time during the preceding year, distinctly shewing the nature of the respective Warrants on which the Surveys shall be made, and the number of acres taken up.

Instructions for the Naval Officers.

1st You are carefully to collect and receive the Twelve Pence per hogshead arising due by the Exportation of Tobacco for the Support of Government.

2^d You are also to collect and receive the Fourteen Pence Lib. No. 86
p^r Ton payable to the Right Honourable the Lord Proprietary on all foreign Ships or Vessels that shall Enter and Clear out of your Office, and to take care that the Owners or Masters do pay the said Duty according to the Vessel's real Burthen and Measure, and not according to the Register.

3^d You are on or before the first day of November annually to return to the Revenue Board a List or Account on Oath of all Vessels liable to pay the aforesaid Duties, or either of them, that shall have Cleared out at your Office during the preceeding year ending the 29th of September.

4th You are also before the first day of November annually to render a similar account to His Lordship's Agent and to pay him the amount of said Duties so by you received retaining thereout for your Trouble on Receiving a Commission of Two per Cent.

5th You are not to receive any Bills of Exchange for said p. 71
Duties drawn at a longer Sight than Forty Days at most, nor on any Port except London, where the Vessel shall belong to or Clear for that Port: Where the Vessel does not belong to, and is not bound for London, you may, if you cannot prevail on the Master or Owner to pay London Bills; take Bills drawn on Merchants residing in other Ports of England, but in no Case to take a Bill on Scotland, if you can avoid it, and unless the Vessel belongs to, and is actually bound to Scotland.

Revenue Board Decem^r 7th 1768

My Lord,

In obedience to your Lordship's pleasure, We have taken into our most mature Consideration by what means each Branch of your Lordship's Revenue may, with the greatest Exactness and Convenience, be secured, collected & paid, and have particularly had it in our View to establish such checques as may, from time to time, discover the Persons, who shall be liable, and accountable for every part of your Lordship's Revenues, and also may afford a speedy and precise notice of Defaults, which may require coercive Measures.

In Pursuance of our Duty we have drawn out Instructions to regulate the Conduct of the several Officers immediately concerned in the respective Branches of the Revenue, and also to direct the Service of others, who in their Department, may be assistant in the forming of the proper Checques. A Copy of these various Instructions which constitute our Plan, We have, now, the Honour of transmitting for your Lordship's Consideration, until controuled by an ulterious Signification p. 72
of your Lordship's pleasure, the Revenue will be regulated by

Lib. No. 86 these Instructions, and if your Lordship shall ultimately approve of them, or think proper to order their being remitted with Amendments, We humbly Submit, whether it may not be expedient to point out the Duties, and constitute the Powers, of this Board by a particular Commission adapted to these Purposes, and especially with respect to the superintending Authority Thereof.

It becomes necessary in consequence of a recent very extraordinary Occurrence, to represent to your Lordship, that the Rev^d M^r Bennet Allen, the late Agent, was by the most explicit terms of his Commission, required to obey, & observe such Orders and Directions, as He should from time to time receive from this Board, and his Duty herein was, moreover, enforced by the Bond He passed. We therefore thought ourselves fully authorized to call upon this Gentleman to render an Account of the Sums He had received and remitted, and that it was incumbent upon us, out of that Duty we owe your Lordship, the rather to take this Step, considering the Nature of the Agent's Office, and that He had given no Security for his just and faithful Performance of it.

For the Steps taken by the Board on the one Hand and by M^r Allen on the other, we beg leave to refer your Lordship to the Copy, now also transmitted, of our order, as well as of the Letters, Depositions and other Proceedings, on this Occasion, without troubling your Lordship with any Comments or Animadversions, which if confined within a small Compass, might be imperfect, and, if expressive of our full sense, might be too Prolix.

We have the Honour to be with the utmost Respect,
my Lord,

Your Lordship's most Obed^t Obliged &
faithful Humble Servants

January 2^d 1769

p. 73 At a Meeting of the Board of Revenue. Present

His Excellency Hor^o Sharpe Esq^r

The Hon. Daniel Dulany, Esq^r

The Hon. Walter Dulany, Esq^r

and George Steuart, Esq^r

The Board agree to meet annually on the Twenty fifth Day of March, the first Tuesday in June and the third Tuesday in October in order to consider and Determine such Matters as may have occurred, in the intermediate Time, relative to the Management of His Lordship's Revenue; as also to attend, on notice to be given by the Clerk, at other Times in case any

extraordinary Business happens that may require immediate Lib. No. 86
Attention.

The Board having met in Consequence of Notice given by the Rev^d M^r Allen on the 9th Ult^o that He was then ready to Comply with the order of this Board bearing Date the 21st of November. In pursuance of directions from the Governor.

The Clerk on the 22^d Ult^o informed M^r Allen that the Board would meet this Day. But He has not thought proper to attend either himself, or by his Deputy.

His Excellency the Governor lays before the Board Plats and certificates of Lands reserved for His Lordship's use in the western Frontier of this Province and desires the opinion of the Board: Whether it would not be necessary to give notice to all Persons who may have Purchased Warrants and made Surveys & who have hitherto been restrained from obtaining Patents thereon by reason of a prohibitory order to the Judges of the Land Office, that on their laying a true State of their Pretensions before the Board, such orders might issue thereon as should be thought just & Reasonable.

The Board being of opinion that such a Step would be necessary, Ordered.

That the Clerk do cause the following Advertisement to be Printed both in English and Dutch for the better Information of all Concerned.

Annapolis Jan^{ry} 2^d 1769

Whereas sundry Persons have heretofore purchased War- p. 74
rants and made Surveys with a view of securing Land in the Western part of the Province beyond Fort Cumberland, but have been restrained from obtaining Patents on the same by reason of a prohibitory Order signified to the Judges of the Land Office, and as the Reasons for continuing such prohibitory order no longer subsist: It is hereby notified to all Persons who have purchased Warrants or made Surveys for the Purpose above mentioned, that they lay before His Lordship's Board of Revenue on the Twentieth Day of February next a true State of their Pretensions, that such orders may issue for granting them the Benefit of their respective Warrants, or Surveys, according to the priority thereof as may be thought just and reasonable.

Signed p order

The Board Adjourn til Monday the 20th of February next.

January 25th 1769

Daniel of S^t Thomas Jenifer Esq^r having intimated that he should be glad to receive the Advice of the Board of

Lib. No. 86 Revenue in regard to some Difficulties he was under relative to the execution of his Office of Agent and receiver General. The Board meet this Day in pursuance thereof (His Excellency the Governor being indisposed) Present.

The Hon^{ble} Daniel Dulany Esq^r
The Hon^{ble} Walter Dulany, Esq^r
and George Steuart, Esq^r

M^r Jenifer attends the Board and desires their sentiments whether it would not be necessary, at this time, for him to go to Cecil County to get information relative to the State of His Lordship's Manor of Susquehanna, alias, New Connaught, & what steps would be most eligible to pursue in regard to making a speedy collection of the Arrears due thereon.

The Board are of Opinion that as M^r William Baxter was appointed to collect the Arrears, but for want of a State of them from the Agent, could not Act 'til very lately, when He was furnished with a State, by the Clerk of this Board; That M^r Jenifer should first write to M^r Baxter & know from him what he shall be enabled to do therein, and if any further Powers shall be necessary to enable him to proceed in the Collection thereof, that he may be invested therewith.

M^r Jenifer also informs the Board that he has not been able to get any Papers or Information from the late Agent respecting the Sums he may have received on His Lordship's Account & he having been applied to by Persons who have been either Drawers, or Indorsers, of Bills returned to M^r Allen under Protest cannot receive Payment, neither liquidate any Account, with certainty, until he shall be furnished with a State of them respectively.

The Board are of opinion, that M^r Jenifer ought to write a general Letter to M^r Allen immediately, and acquaint him, that if he does not comply, by giving him the necessary information and delivering up the Protested Bills, that he will be looked upon as answerable for every Consequence that may attend a failure thereof,

p. 76 M^r Jenifer desires to be informed whether he must put such Office Bonds in Suit as have been omitted on Promises of speedy Payment & a considerable time having elapsed since such Promises were made, as also Bonds that were not put in Suit for want of proper information being given to the Attorney General in regard to the Sureties on such Bonds. It is the opinion of the Board, that such Bonds be given to the Attorney General and Process issue thereon without further Delay.

The late Stewards of the Manors in Kent & Queen Anns Counties having resign'd & no Person having been appointed

to succeed them by the late Agent, M^r Jenifer is directed to commission one or more proper Persons to collect the Rents & Arrears due thereon as also to supervise them & take care that no waste shall be Committed. Lib. No. 86

The Board adjourn until Monday the 20th of February next.

February 20th 1769

At a meeting of the Board of Revenue. Present

His Excellency Hor^o Sharpe, Esq^r

The Hon^{ble} { Daniel Dulany
Walter Dulany } Esq^{rs}
George Steuart }

In consequence of notice given by Advertisement to all Persons who had purchased Warrants and made Surveys with a view of securing Land in the Western parts of the Province to appear as this Day and lay their respective Pretensions before the Board; sundry Persons attend, but having neglected to state their Pretensions in Writing, The Board acquaint them that such a Step will be necessary previous to their taking the Premises under Consideration. p. 77

In pursuance of a Letter laid before the Board from M^r Geo: Scott Farmer of the Quit Rents in Frederick County, mentioning several Persons, holding large Bodies of uncultivated Land in said County (being non Residents) for which no Quit Rents had been paid for many years,

Ordered, That the Clerk of this Board, do write Letters to the several Delinquents, informing them, that if they do not immediately discharge the Arrears due his Lordship, the Attorney General will be instructed to take the necessary Steps to Compel payment from each of them.

The Board adjourn til Wednesday Morning 10 o'Clock

February 22^d 1769

The Board met according to Adjournment. Present

His Excellency Horatio Sharpe, Esq^r

The Hon^{ble} Daniel Dulany, Esq^r

The Hon^{ble} George Steuart, Esq^r

In pursuance of the determination of the Board at their last meeting, The Persons attending, deliver in to the Clerk of the Board their several pretensions in Writing, but it appearing to the Board that many others, who have obtained Warrants and made surveys to the Westward of Fort Cumberland, are Absent, either from Sickness or want of Information; and as 'tis probable different Warrants may have been Located

Lib. No. 86 on one & the Same Tracts or Parcels of Land. The Board
p. 78 determine to wait until all the Parties shall have stated their Pretensions in Writing, after which the Board will consider them respectively & represent their Opinion to His Lordship, by whose Instructions the Board determine finally to be Governed.

March 25th 1769

At a meeting of the Board of Revenue. Present.

His Excellency Hor^o Sharpe, Esq^r

The Hon^{ble} Walter Dulany, Esq^r

The Hon^{ble} George Steuart, Esq^r

The Reverend M^r Bennet Allen, in consequence of Instructions delivered him by the Board, being this Day to settle his Accounts as agent, The Board receive a Packet from him which is ordered to be broke open & the Contents noted which are as follows Viz.

The Land Office Account

Account of Protested Bills

Account of Alienation Fines

Account of Fines & Forfeitures

Acc^o with Cha^s Dickinson Farmer of Dorchester Co^{ty}

Acco^t with John Murray, Farmer of Somerset & Worcester.

Acc^o with Tho^s Jones, Farmer of Baltimore County

Account with George Scott Receiver of Frederick County

Acc^o with William T. Wooton Farmer of Prince Geo^s Co.

Acc^o with Joseph Nicholson Farmer of Kent C^o

Acc^o with John Brown Farmer of Queen Anns C^o

Acc^o with Geo. Lee, Farmer of Cha^s & S^t Marys C^o

Acc^o with John Thomas, Farmer of Anne Arundel & Calvert

Acc^o with Brian Philpot, late Farmer of Balto. C^o

Acc^o with Edward Mitchel, Farmer of Cecil County.

p. 79 and an Account Curr^t all of which Accounts before mentioned only relate to Transactions preceding the 29th of September last, and which, it is the opinion of the Board ought to be continued down to the Time of M^r Allen's being superseded in his Office of Agent.

It having been intimated to the Board, that M^r Vernon Hebb, of S^t Mary's County, by proving a Boundary has lately taken away part of His Lordship's manor of West S^t Mary's,

Ordered that the Clerk do write to M^r Young Parran Steward of said manor to get the best information in his Power relative to said Transaction and report the same to the Board.

The Rent Roll Keeper of the Western Shore informs the Board that He has several times wrote to the Receiver of the Quit Rents in Frederick County to come and Settle a Debt Book for 1768 but that He has hitherto paid no regard to his Letters. Lib. No. 86

Ordered that the Clerk of this Board do write him immediately, to comply with the Contents of M^r Meriwether's Letters.

His Excellency the Governor acquaints the Board that, He has been informed, Col^o Lloyd has remitted Lord Baltimore the Balance due from him, as Agent, and that his Accounts from the 29th of Sep^r 1767 to the Time he resigned that Office are ready for Examination when the Board shall think proper to call for them; and that in case his (Col^o Lloyd's) presence shall be thought necessary, he will attend,

The Board are of opinion, that a previous examination of Col^o Lloyd's Accounts will be necessary in order to shew that the Balances were regularly transfer'd to his Successor & by the latter regularly transferred to the present Agent, That if in going over said Accounts they shall appear distinct, free from Error and attended with the necessary Vouchers; The Board will readily dispense with Col^o Lloyd's personal Attendance. In consequence of which His Excellency is pleased to say, He will give Col^o Lloyd notice to transmit his Accounts, p. 80 immediately, to be laid before the Board for their Inspection and approbation.

The further consideration of M^r Allen's Accounts is deferred until Wednesday next 10 o'Clock

Ordered, That Dan^l of S^t Thomas Jenifer Esq^r (who rides the Eastern Circuit as Judge of Assize) be a witness that the Farmers of Somerset & Worcester Counties, do sign a Receipt on the Duplicates of their com^{ns}

March 29th 1769

The Board met according to Adjournment. Present the Members as on Saturday last.

On a further examination of the Accounts delivered in by M^r Allen, The Board determine, that they are very irregularly Stated, and therefore Order That M^r Allen do immediately proceed to State them anew; and that He open a distinct Account with every Person given in by Col^o Lloyd for Ar-rears, separate from his Accounts of the Revenue for the year 1768. which Accounts are likewise to be Stated (including the Tonnage & 12^d p^h hh^d) to the 29th of September last. Another distinct Account to be rendered of his Transactions, as Agent, from that Time until he was Superseded in his Office, with Lists of outstanding Debts annexed to each. That in case M^r

Lib. No. 86 Allen should be under any Difficulties in carrying the above determination of the Board into Execution, Ordered, That on his applying to the Clerk of this Board, he is to give him information how to proceed, in the Stating of the above mentioned Accounts.

The Board adjourn 'til Monday the 10th Day of April next, when they will meet, in order to receive and examine Col^o Lloyd's & M^r Allen's Accounts.

Ordered, That the Clerk do furnish M^r Allen with a Copy of the above Order.

p. 81

April 10th 1769

The Board met according to adjournment, in order to receive and examine the Accounts of The Hon^{ble} Edward Lloyd, Esq^r and the Rev^d Bennet Allen

Present. His Excellency Hor^o Sharpe Esq^r

The Hon^{ble} Daniel Dulany, Esq^r

The Hon^{ble} Walter Dulany, Esq^r

The Hon^{ble} George Steuart, Esq^r

M^r Frederick Stone delivers to the Board, the Accounts of The Hon^{ble} Edward Lloyd, Esq^r from the 29th day of September to the Time of his Resignation, when M^r Allen was commissioned to that Office, which were ordered to be left for Examination.

The Clerk lays before the Board, a note, he received this day, from Miss Allen, in answer to the Order of the Board, to the Rev^d M^r Allen, at their last meeting, which is as follows.

M^r Clapham.

Please to let the Board of Revenue know that when their Letter came to my Hands, my Brother was confined with the Gout, and that as soon as he is well enough to attend to Business I shall give him their Letter.

Eliz: Allen

Mond: April 10th 1769.

On mature consideration of the Steps taken by the Board, to bring M^r Allen to a Settlement with Them, as His Lordship's Agent, and of his conduct in consequence thereof, The Board are of Opinion, that as His Lordship has thought proper to intrust them with the Superintendency of his Revenue in this Province, that to discharge that Trust, it is incumbent on Them to put M^r Allen's Bond in Suit, and accordingly Order the Clerk to deliver his Bond to the Attorney General, for that Purpose.

The Board, finding that no Person of Property will Farm the Quit Rents of Baltimore County any longer on the same Terms as heretofore, determine to give 15 p Cent on the Collection thereof and order the Clerk to write M^r Thomas Jones, late Farmer, to that Effect. Lib. No. 86

The Board, from intimation given Them, having reason to believe that M^r William Smith, Steward of His Lordship's Manors and Reserve in Baltimore County, has not faithfully discharged his Duty, in that Office: It is the Opinion of the Board, that he ought to be called upon to come down & answer such objections as shall be then made to his Conduct, of which the Clerk is ordered to give him Notice. p. 82

The Clerk delivers to the Board, the Petition of Thomas Pearson for a Lease on two small parcels of Land part of the Reserve in Baltimore County deserted by the former Tenants, which is Granted for the remainder of the Term on his paying up the remainder of the back Rents to this Time.

The Small Pox being in M^r Jones' Family at Baltimore Town. Ordered, That Alexander Lawson Esq^r Clerk of Baltimore County, do Witness his signing a Receipt on the Duplicate of his Commission as Farmer of said County.

The Board adjourn to Thursday the 11th of May next.

May 11th 1769.

The Board met according to adjournment.

Present. His Excellency Horatio Sharpe Esq^r

The Hon^{ble} Daniel Dulany, Esq^r

The Hon^{ble} Walter Dulany, Esq^r

The Petition of John Tillotson, praying leave on a Resurvey, to include a small Vacancy lying within three Miles of His Lordship's Manor in Queen Ann's County, is read, as also a Certificate from Jonathan Hall, late Surveyor of said County, by which it appears that the Vacancy prayed for, contains only Nineteen Acres, entirely surrounded by ancient Tracts, and the Land being of a very indifferent Quality, the said Petition is Granted. p. 83

The Governor lays before the Board a Letter which his Excellency received, the 10th Instant, from The Rev^d M^r Bennet Allen of which the following is a Copy.

Sir,

If anything could astonish me that happens to me in this Country, it would be the arrest I was put under on Wednesday last, at the Horse Race, in the face of the whole Province at the Suit of the Lord Proprietary. And tho' I am far from

Lib. No. 86 thinking his Lordship conscious of so violent a proceeding, yet, I was in hopes that the mis: states of my Conduct, which rais'd a Clamour against me amongst the People, and which you seem'd so much to disapprove here, would not have been seconded by you at home. I find that not only Mess^{rs} Dulany's and the late M^r Tasker, but your Excellency *has blamed me extremely*: nay, I find you have gone farther, you have been pleased to place yourself in my circumstances, and say, that had you been M^r Allen, you would have contented yourself to have remained *some years* in the Province with a small inferior income, rather than have desired such large promotions at once; and that you think I will think so too. Here you put yourself in my place & condemn my conduct, by declaring you would have acted otherwise. Give me leave then to ask you, with great submission, if you had come into the Province with a presentation to two good Livings, as I did,

p. 84 would you have contented yourself with one paltry one? If you had had a nomination to any one of the best Places in the Province would you have contented yourself with one of small inferior value? Nominated as you were to the Government of the Province would you after that appointment have contented yourself with a Subordinate Office, nay have you not upon your dismissal rejected the offer of any inferior department? How then can you blame me for Conduct you have pursued yourself? Is it not ungenerous in you to endeavour (to endeavour) to render my Conduct suspected, because it has proved unsuccessful? was it the People or private pique & resentment that raised the Clamour against me? without which I might peaceably have enjoy'd the full emoluments of his Lordship's friendly intentions.

My moderation in the most trying circumstances has been conspicuous to all the World, and in no instance more than this, that tho' my Lord not only desires but insists upon my prosecuting all those concerned in the Riot in Frederick Town, at his Lordship's Expence, I have never made any motion towards setting such a Prosecution on foot, tho' I could easily Screen myself under positive injunctions, and a due execution of the powers of Government.

From the late assurances I have received of the new Governor's Friendship & Esteem, I have reason to flatter myself he has imbibed no ill impressions of me yet, and I trust when he sees with his own Eyes, without prejudice or Affection, at whose Gate the blame of all this disturbance ought to lie, he will have no cause of dissatisfaction of my Conduct, or be disinclin'd to perform what it seems is recommended to him, to do all he can to accommodate me in my Wishes as soon as

possible, which will be bounded by the voluntary promises I have received. Lib. No. 86

Upon the receipt of this Intelligence I immediately determined to settle all my Accounts with the Board, and had them drawn out accordingly, in two parts, the one ending the 29th of September which according to my Articles I sent in the 25th of March, and the second I intended sending in, as soon as I received the Report of the Board on the former. It was not 'til the other Day, that my Sister informed me she had received an Order from the Board, directed to me, to send in the second Account, which my extreme illness, at that time, and total incapacity for Business inclined her to suppress 'til my Recovery, of which she inform'd the Board herself: This Order I have not yet seen (my Sister not having it with her on Sunday last, when she inform'd me of the receipt of it) but the Terms of which I intended always, and am very ready to comply with, as far as it lies in my Power, if your Excellency will be pleased to befriend me so far as to direct the Writ to be withdrawn. And on the other hand if Things are driven to extremity your Excellency will consider, how far his Lordship's Credit may suffer, after the various assurances of Support & promises of protection he has made me, if it be possible he can be conscious of the arrest, and if otherwise, how far your Excel^y may escape censure, in an affair of so delicate a nature, and which will be severely canvass'd both in England & America. I trust, it will appear that I have Acted upon the Credit of my own Bond as uprightly and faithfully as if it was supported by that of the most responsible Securities, and even could any flaw be found in it, I have known Lord B. too long, and have too good an opinion of him to conceive he would take undue advantage of it, or subject a man, to whom he has once professed a Friendship, to so ignominious a process. I am

Sir, Your Excellency's most obedient &

P. S. I beg you will most humble Servant
pardon the Paper & B. Allen
Pen, being the best I could get,
April 9th 1769

Ordered by the Board, That M^r Clapham do give Notice to the Rev^d M^r Allen, the late Agent, That in Case he will without delay, submit to pass with this Board a regular Account of his Transactions during the Time of his having acted in the Office of Agent & make Satisfaction of the Sum which shall be found due to His Lordship on such Account; the process against him shall be withdrawn, as thereby the end, or purpose thereof, will be Answered. p. 86

Lib. No. 86 Ordered: That the Clerk do give notice to William Thomas, Esq^r Rent Roll Keeper of the Eastern Shore and Col^o Joseph Nicholson, late Farmer of Kent County to attend this Board on the Instant, that the Complaint of the latter may be heard respecting a failure of Duty in the former in not furnishing correct Debt Books each year for said County and which the Farmer alledges to be the Reason of his not having as yet settled an Account with the Rent Roll Keeper for the preceding year ending the 29th of September. The Petition of Christopher and Catharine Reaver is read & will be Considered at a future Day.

The Board adjourn 'til Monday the 15th Instant.

May 15th 1769

The Board met according to adjournment.

Present. His Excellency Horatio Sharpe, Esq^r

The Hon^{ble} { Daniel Dulany Esq^r
Walter Dulany Esq^r
George Steuart, Esq^r

p 87 In pursuance of an Order of the Board, to the Rev^d M^r Allen, at their last meeting the Clerk received on Saturday last a Note from that Gentleman together with a Letter directed to His Excellency the Governor the Contents of both which are read and ordered to be entered Viz.

M^r Clapham

Please to convey to the Governor this Letter which is an answers to yours of the 11th ult. from

May 13^h 1769.

yours &c. B. Allen

May 13th 1769

Sir.

By an order of the Board of Revenue dated March 25th and delivered to me this Day, I find they determine my Accounts sent in the 29th of March to be very irregularly stated, and refer me for Information to M^r John Clapham their Clerk. M^r Meriwether, my late Clerk, left my Books unsettled, upon my refusal to comply with an extortionate Demand of 20 Guineas for the Settlement over and above his Wages at the rate of £100. sterling p Ann: I have applied to many Persons to compleat the Settlement but have not been able to procure one who understands the method.

If M^r Clapham will undertake to Settle the Books upon the Plan they were begun (as I mean nothing but the Justest Account with Lord Baltimore) he may have free access to my

Office for that Purpose, and he must be Satisfied for his Lib. No. 86
Trouble out of M^r Meriwether's Wages: Part of whose
Business it was to Post and Balance the whole to the Time
of his dismissal & whom I repeatedly solicited to do so in
order to my sending in a general Account long since. I am

Sir Your Excellency's most Obedient
humble Servant
B. Allen

The Board adjourns til Friday the 26th Instant.

Copy of a Letter from the Rev^d M^r Bennet Allen to the p. 88
Governor.

Sir,

I take the liberty of informing your Excellency, that an
Engagement of a month's standing to meet some Gentlemen
from a distant Province, obliges me to go to Baltimore Town,
and I shall return time enough before the Court is over, to
know the determination relative to the Bond. I am

Sir, Your Excellency's most Obedient
Hble Servant

Monday May 15th 1769. B. Allen

Fryday May 26th 1769

The Board met according to adjournment. Present

His Excellency Hor^o Sharpe, Esq^r

The Hon^{ble} Daniel Dulany, Esq^r

The Hon^{ble} Walter Dulany, Esq^r

The Hon^{ble} George Steuart, Esq^r

The Clerk lays before the Board a Letter from Thomas
Jones, Farmer of the Quit Rents in Baltimore County, desir-
ing that he may have it in his option to take or refuse Bills
of Exchange in payment. The Board are of opinion, that as
the receipt of good Bills of Exchange will be doing justice to
His Lordship & may be for the ease of the Tenants, they
ought not be refused by the Farmers in discharge of Quit
Rents.

The Petition of Thomas Wright of Queen Ann's County is
read, praying leave to add, on a Resurvey, a piece of vacant
Land lying within three Miles of His Lordship's Manor in
said County. Ordered, that the Surveyor do run out the said
Vacancy and make a Return thereof to this Board, specifying p. 89
the number of Acres, nature of the soil &c. and whether the
same is entirely surrounded by patented Tracts, of which the
Clerk to give him Notice.

Lib. No. 86 Ordered, That the Clerk of this Board be allowed as follows Viz. For his Salary as Clerk to the Commissioners for the Sale of His Lordship's Manors & Reserved Lands from the 20th Nov^r 1767 to the 5th of April 1768 Curry^y a £80. p annum 36..13.. 4
For the use of an Office from same time to the 5th May 1768 9.. 3.. 4
For his Salary as Clerk to this Board from the 5th April 1768. to the 25th March 1769 a £80. p annum 77..15.. 7
For Horse hire to the Sale of the Manors since the 20th Nov^r 1767 & for settling the Accounts with the Several Purchasers of Land & Posting His Lordship's Books until that Business shall be completed. 25..—..—
For sundry Disbursements paid by him p acc^o 7..12.. 8½

May 27th 1769.

At a meeting of the Board of Revenue. Present

His Excellency Horatio Sharpe, Esq^r

The Hon^{ble} Daniel Dulany, Esq^r

The Hon^{ble} Walter Dulany, Esq^r

Doc^r Charles Neale attends the Board in order to obtain an allowance for a charge made against him, by the Steward of Conocochege Manor, for Rents on a Tract of Land before he was in possession thereof, as also for the Sum of £5..8..0 Str^s paid October 7th 1762, to Samuel Magruder, employed by Col^o Samuel Beall then Steward to receive the same & not credited in Account. On examination of his Lease & other Papers, the above Claims appearing just, the same is allowed, and on adjusting his Account to the 1st Day of August last there appears the sum of £7..0..1 Str^s due His Lordship which he is ordered to pay to the Agent & Receiver General.

p. 90 His Excellency lays before the Board a Petition from Thomas & Elizabeth South, setting forth that they had entered into a Recognizance for their appearance at Frederick County Court in the sum of £20 on a charge of Bastardy against the said Elizabeth; that through Ignorance they had forfeited said Recognizance, as they apprehended on payment of the Fine & all Costs, which they had complied with, they should not be obliged again to attend Personally, and therefore pray a remittance thereof. The Board are of opinion, that on a Certificate's being produced from the Clerk of Frederick County, that the above Fine & Costs have been satisfied,

process may be suspended until His Lordship's Pleasure shall Lib. No. 86
be signified.

June 6th 1769

Ordered, that the Clerk do make an Entry (notwithstanding an order of the Board to meet as this Day annually) that on Account of the Arrival of His Excellency Robert Eden, Esq^r who this Day qualifies as Governor and Commander in Chief, and no Business of moment lying before the Board, their meeting this Day will be unnecessary.

June 19th 1769.

The Board meet this Day in pursuance of a message from the Governor

Present. His Excellency Robert Eden, Esq^r

The Hon: { Daniel Dulany Esq^r
Walter Dulany, Esq^r
George Steuart, Esq^r

His Excellency lays before the Board such parts of his Instructions as relate to the management of His Lordship's Revenue, that in Case any Clauses therein contained, or the substance thereof may not have been issued from the Revenue p. 91
Board to the several Officers concerned in the Receipt thereof, they may be added thereto. The Board on comparing the said Clauses with the Instructions heretofore issued, are of opinion that the several Officers may proceed agreeable to the Directions already furnished until His Lordship's Pleasure shall be further signified. Copies having been transmitted to him for his final Approbation or Disallowance of the same.

August 21st 1769

At a meeting of the Board of Revenue. Present

His Excellency Robert Eden Esq^r

The Hon^{ble} { Daniel Dulany, Esq^r
Walter Dulany, Esq^r
George Steuart, Esq^r
& Thomas Jenings, Esq^r

The Board proceed to take into consideration an Extract of a Letter from Benjamin Young, Esq^r Surveyor General of the Eastern Shore, to the Hon: Walter Dulany Esq^r wherein he sets forth, that he finds it very difficult to get proper Persons to act under the late Instructions issued from the Board; the Objections to which will more fully appear by the following Copy of the said Extract.

Lib. No. 86 In consequence of Instructions and Oath sent me, as Surveyor General, for the future guidance & direction of the Deputy Surveyors of the Eastern Shore, by the Board of Revenue, they were forwarded to each County, with my desire of their qualifying under them, and giving Bond for the due Execution of the Trust.

- p. 92 In consequence of which some have complied, others have absolutely refused, nor can I upon enquiry find Persons to execute the Commissions under the present Oath and Instructions. The Reasons they assign are contained in the following Paragraph of a Letter sent me by M^r Greenberry Goldsborough to which I refer you, and intreat your Opinion, with that of our Friends, upon the Occasion and what you think it wou'd be proper for me to do; as I am informed upon a late application to sundry Persons in Dorchester County, that there is not a Person to be found that will undertake the Office of Surveyor of that County under the present Regulations. Goldsborough writes thus: Upon receipt of your Instructions for me, I seriously perused them with the Oath which to me appeared almost impossible for a man to take and comply with the Instructions; tho' being doubtful of my own Abilities in that Crisis, I sought Counsel and was advised that I could not safely swallow the Oath and act justly, seeing that we are to pay due regard to, and true and faithfully observe the very express words of the Instructions, the nature and tendency of which, is diametrically contrary to Reason in several Articles, and which no man in his Senses wou'd presume to take. Let the Board of Revenue compose what Instructions they please, I candidly think they have no right so to do, until by an Act of Assembly it is made virtually manifest, which I hope will never be while Law is founded on Reason. Therefore if there is really a necessity for taking the same Oath and complying with the Instructions, I beg you will excuse me from acting any longer as Deputy Surveyor of Talbot County, and consequently do refuse acting without there is an alteration made in the Oath and Instructions, and he observes further on, in his Letter, That it is the opinion of those Persons, Judges, who have seen the Oath and Instructions, that every man, be he gentle or simple, who takes the
- p. 93 Oath and complies therewith (without an amendment) deserves to enjoy no mutual Intercourses with mankind, ought to have his Throat cut and not suffered to exist any longer. He likewise informs me that Haskins and White, have both absolutely refused to Act for Dorchester County.

As I am at present apprehensive of many warrants going out of Date which may be the occasion of future complaint,

there must naturally be an enquiry from whence the Evil sprung, my Name being affixed to the Instructions from the Board will direct them to me, my Justification is from Orders from the Board, to which I must refer them; but in Case I am intended to be made the Sacrifice to the Public, by the malice of the Enemies to Government; who are the Gentlemen that issued them, That I may fly to them for Support and Redress? I declare I do not perfectly know them, never having had their names, and in general are known to me, only as the Board of Revenue.

Lib. No. 86

Pray let me hear from you upon this matter, as soon as possible, that I may be able to frustrate, as much as in me lies, the base Schemes of designing Men. I must inform you that in the case of Wickes for Kent, some difficulties arose of the like nature with the above, and before he wou'd qualify he chose to consult his Friends, and he with T. Ringgold went to the Revenue Office together, and there read over the Oath and Instructions, after which they returned to me and told me, that upon maturely considering them, they could not discover anything contained therein that might give the least Offence to the most delicate Conscience, or what wou'd be inconsistent with any honest man to undertake. This Instance I have mentioned to all who have refused, but still the same obstinacy remains and an absolute refusal to Act under the present Regulations.

In consequence of the foregoing. Ordered by the Board, That the Clerk do write a Letter to Benjamin Young Esq^r desiring him to attend at Annapolis on the 12th or 13th of next month an order to receive further Instructions relative to the appointment of Deputies and the future management of his Office of Surveyor General. P. 94

The Board adjourn 'til the 12th of Septem^r next.

September 12th 1769

The Board meet according to Adjournment. Present.

His Excellency Robert Eden, Esq^r

The Hon^{ble} { Benedict Calvert, Esq^r
Walter Dulany, Esq^r
George Steuart, Esq^r
Thomas Jenings, Esq^r

In consequence of a Letter received from Benjamin Young, Esq^r whose Indisposition prevents his attending as this Day agreeable to notice given him.

The Board go into a further Consideration of sundry Letters sent up by him, as Surveyor General of the Eastern Shore

Lib. No. 86 as also carefully to examine the Instructions issued by Them, with those the Deputy Surveyors have Acted under heretofore & find them in substance the same, the 22^d Article only excepted, (to which no real Objections can lie) and the Oath prescribed, & the latter being solely intended to prevent any undue Measures being pursued by the said Deputies to the prejudice of the Public. The Board therefore determine that no alteration ought to be made in either, being of Opinion that on due enquiry proper Persons may be found that will qualify under them as they now stand.

p. 95 Reuben Meriwether, Esq^r exhibits an Account, to the Board, of the Cost & Charges of a Set of Books to transcribe the Rentals of the Western Shore into, agreeable to Instructions given him. Ordered that the said Account do pass, and that the Clerk do certify the same to His Lordship's Agent that M^r Meriwether may receive payment.

The Board adjourn 'til the 3^d Tuesday of October next.

October 17th 1769

The Board, by agreement heretofore, having fixed on the third Tuesday in October to meet annually, but there not being any Members in Town, to attend, except His Excel^y the Governor and the Hon^{ble} George Steuart, Esq^r who are present, The Clerk, by Order, Adjourns the Board 'til Saturday the 21st Instant of which the absent members to have Notice.

October 21st 1769.

The Board meet according to Adjournment. Present.

His Excellency Robert Eden Esq^r

The Hon^{ble} Daniel Dulany, Esq^r

The Hon^{ble} George Steuart, Esq^r

& Thomas Jenings, Esq^r

In consequence of Instructions received from the Hon^{ble} Walter Dulany, Esq^r on behalf of Col^o Young, Surveyor General of the Eastern Shore; The Clerk, by Letter, acquainted William Hayward, Esq^r that Col^o Young wanted Deputies in Talbot & Worcester Counties and requesting him to enquire of Persons properly qualified therein, & who might be desirous of accepting thereof. In Answer to which the Clerk receiv'd the following extract of a Letter, Viz.

"I have mentioned to William Sharpe the office of Deputy Surveyor of Talbot County, that he accepts thereof, & shall be much Obliged to you if his appointment is confirm'd. I have been so long from below, that I really know not who to

mention for Worcester County, but I hear M^r Dennis is to be Lib. No. 86
up, and if you'll apply to him, I am well satisfied, his recom- p. 96
mendation may be depended upon "

His Excellency the Governor acquiesces in the appointment of William Sharpe to be Deputy Surveyor of Talbot County, and it appearing to the Board that no Person in Dorchester County properly qualified will accept of the Office of Deputy Surveyor therein, under the Present Oath & Instructions; His Excellency with the Advice of the Board, nominates the said William Sharpe to be Deputy Surveyor of Dorchester County and Col^o Young is desired to issue Commissions &c to him accordingly.

M^r Thomas Jones, Farmer of Baltimore County, having represented it as a Hardship by his Instructions, he is obliged to accept of good Bills of Exchange in payment of His Lordship's Quit Rents without any limitation as to the Sums to be drawn for. In order, therefore, to prevent extra Trouble to the Farmers, It is Ordered, that when a good Bill of Exchange shall be tendered in discharge of Quit Rents, be the same due from one or more Persons, for any Sum or Sums not under Five Pounds Sterling. The Farmers shall be obliged to accept the same in discharge thereof, and of which the Clerk is ordered to give the several Farmers notice.

The Board adjourns 'til Monday Morning Nine o'Clock.

Monday October 23^d 1769 p. 97

The Board met according to Adjournment. Present

His Excellency Robert Eden Esq^r

The Hon^{ble} { Daniel Dulany, Esq^r
Benedict Calvert, Esq^r
George Steuart Esq^r
Thomas Jenings, Esq^r

Ordered, that M^r James Calder, who has received Instructions to run the Outlines of his Lordship's Reserve in Baltimore County, do make all the Enquiry in his Power relative to the number of Tenements in the Possession of Persons who do not pay Rents for the same, the Names of the present Possessors, by what Title they have hitherto held said Tenements, the quantity of Land in each and how long they have resided thereon; that proper Steps may be taken for the recovery of the Rents due.

A Copy of the above Order to be likewise sent to M^r James Everitt, the present Steward, in order that he may assist M^r Calder in the above Enquiry.

Lib. No. 86 Sundry Persons having preferred Petitions for Leases on his Lordship's Reserve in Baltimore County, the same are postponed until his Lordship's Pleasure shall be signified in what manner the said Reserve is to be disposed of.

A Petition from Christ^o & Catharine Reaver is read & the Prayer therein Granted.

The Board adjourn 'til Wednesday the 15th of Novem^r 12 o'Clock.

Thursday Novem^r 15th 1769

The meeting of the Board of Revenue, which was to have been this Day pursuant to Adjournment, is, on Account of the meeting of the General Assembly, by the Advice of His Excellency the Governor, further adjourned until the 11th Day of December next.

p. 98

Monday Decem^r 11th 1769.

The Board meet according to Adjournment. Present.

His Excellency Robert Eden, Esq^r

The Hon ^{ble}	Daniel Dulany	} Esq ^{rs}
	Walter Dulany	
	Ben ^t Calvert	
	George Steuart	
	& Thomas Jenings	

M^r Thomas Jones, Farmer of the Quit Rents in Baltimore County, represents to the Board, that, John Morton Jordan Esq^r his Lordship's Agent and Receiver General, refuses to accept of any Bill or Bills of Exchange, in payment of Quit Rents, unless the same shall be endorsed by the Farmers respectively; and M^r Jordan acquaints the Board, that, whatever may have been the usual Custom with former Agents, he cannot accept them on any other Terms, and shall always pass Receipts, conditionally, to be a discharge in case the said Bills of Exchange shall be duly honoured and paid.

The Board are of Opinion, that it is the Duty of the Farmers of his Lordship's Quit Rents to endorse all Bills of Exchange they may tender to his Lordship's Agent in payment for the same, and therefore are not to accept of any Bill or Bills that may, immediately, be made payable to the Lord Proprietor, of which the Clerk to give them Notice.

M^r Meriwether represents to the Board, that notwithstanding an Order given him on the late Agent, by the Clerk, pursuant to the Directions of the Board; he has not received

the Money due him for importing Books, into which the Lib. No. 86
Rentals of the Western Shore are to be transcribed.

Ordered, That the Clerk do take back his former Order, p. 99
and give M^r Meriwether another, on the present Agent, to
reimburse him the Amount of his Account for said Books.

John Morton Jordan Esq^r as Owner of the Manor of Cono-
cohegue, applies to the Board for all Counterparts of Leases
and other Papers relative to said Manor, now lodged in the
Revenue Office.

Ordered that on the late Agent's giving a Certificate to the
Clerk of this Board, that the Rents have been duly paid until
his Lordship divested himself of his Property in said Manor
the Clerk may deliver the Leases &c. to M^r Jordan.

Also ordered. That the Clerk do transmit to James Everitt,
present Steward of the Manors and Reserve in Baltimore
County, an Order on William Smith, late Steward, for all the
Papers &c in his Hands relative to said Manor & Reserve.

His Excellency the Governor informs the Board, that he
has sundry Papers sealed up, and left in his Care by the Rev^d
M^r Bennett Allen, relative to his Agency, which he shall de-
liver up so soon as M^r Jordan shall obtain an Order from M^r
Allen for that Purpose.

The Board adjourn 'til Wednesday the 21st Feb^y next.

Wednesday February 21st 1770.

At a meeting of the Board of Revenue. Present.

His Excellency Robert Eden, Esq^r

Ben^t Calvert, Esq^r

Daniel Dulany, Esq^r

Walter Dulany Esq^r &

George Steuart, Esq^r

The Clerk lays before the Board a Letter from M^r Ralph p. 100
Forster, representing that he endorsed a Bill of Exchange for
£117..6..6 Sterling, drawn by John Harrison on John Day,
which Bill was paid to his Lordship's Commissioners on Ac-
count of the Sale of Manor Lands, that by the Failure of the
said John Day the Bill was protested, but kept in England
beyond the usual Time and contrary to the common course
of Business, by which neglect he was deprived of the Advan-
tage of securing himself by Attachment which he could other-
ways have done, that he had got what Security he could from
the nature of the Case and therefore could not think himself
lyable in case it should prove insufficient, and refers the Board
to M^r Daniel Dulany for further Information with respect to
the nature of the Security; with which the Board are satisfied,

Lib. No. 86 and therefore are unanimously of opinion: That on M^r Forster's applying that Security to the Payment of the Protest he ought to be discharged therefrom.

The Clerk also lays before the Board a Letter from M^r George Scott, Farmer of the Quit Rents in Frederick County which is as follows.

I desire you will lay before his Excellency and the Hon^{ble} Board of Revenue the inclosed List of Quit Rents due in Frederick County last Michaelmas, the sum at present is very considerable and is increasing every year and unless some Effectual method is fallen on to compel Payment out of the Land, there is no knowing to what lengths the Rents may go. The Accounts shall be particularly made out when required, that the Attorney General may proceed against the Lands, by every legal measure; and I beg leave to say something of this kind seems absolutely necessary, for it is impossible, as Things
p. 101 stand at present, to collect the Rents of that County by Five Hundred Pounds p annum let any step be taken by the Collector that he possibly can. But if the Tenants find the Board does interest itself, in the Affair and is determined that his Lordship's Rent be duely and regularly Collected it is to be hoped they will be more punctual in their Payments, to prevent Trouble & Expence to themselves. I wait the Hon^{ble} Board's determination in the matter and at the same time hope they will please to order what is to be done with regard to those Tracts of Land that are Cut by the Pensylvania Line. I am &c.

P. S. Perhaps a sharp Letter from you by order of the Board to those Gent^l marked V may do the Business.

Ordered, that the Clerk do deliver the foregoing Letter to his Lordship's Attorney General with the List of Defaulters in Payment and the sums due, that he may take the necessary Steps to compel payment.

M^r William Thomas represents, by Letter to the Board, that several of the Farmers on the Eastern Shore have not as yet settled their Accounts for the year 1769. Ordered that the Clerk by Letter inform such delinquent Farmers, that unless they comply with their Instructions by making an immediate Settlement, their office Bonds will be put in Suit.

John Morton Jordan, Esq. attends the Board, and informs, that M^r Theophilus Hanson, Surveyor of Charles County, has returned Certificates of Surveys made by him lying and being within three Miles of his Lordship's manors. Ordered

the Clerk do write M^r Hanson to attend the Board on Monday Lib. No. 86
the 26th day of March next.

M^r Jordan applies to the Board for Orders to be issued to the several Farmers of Quit Rents, requiring them to pay the same Bills of Exchange and Specie as they may receive from his Lordship's Tenants in discharge thereof.

In answer to which, The Board inform M^r Jordan, that as the Farmers Act under Articles which leave it in their option p. 102 to pay the Agent in Cash or good Bills of Exchange and have only given Bond for the performance of said Articles, that until such Contracts shall be expired no other Clause can be inserted; but that in future Contracts they may be compelled to pay according to Receipt.

M^r Jordan represents to the Board that the Hon^{ble} Ben^t Calvert and John Beale Bordley, Esq^r are in possession of Land lying in, and adjoining the City of Annapolis, and that he has reason to believe his Lordship has never been divested of his legal Title thereto, and therefore, as his Lordship's Agent, desires the Sentiments of the Board what Steps he ought to pursue for the regular and speedy recovery thereof.

M^r Calvert withdraws from the Board.

The Board are of opinion, that the proper Method of proceeding will be for M^r Jordan to lay a full state of the matter before the Attorney General who will make a Report thereof, give his opinion at large and Reasons therefor to this Board, for their further Consideration.

M^r Jordan also represents to the Board, that Doc^r David Ross, who made a purchase of part of Conocohegue Manor & Reserve, from his Lordship's Commissioners, alledges, that part of his purchase, lying within the Reserve, is claimed by Mess^{rs} Samuel & Bennet Chew as being within the bounds of a Tract of Land called Chew's Farm, which is the Reason he has only as yet made his first payment therefor.

Ordered, that the Clerk, by Letter, do acquaint Doc^r Ross, that it is incumbent on him to shew how & in what manner his Purchase is affected, that his Lordship may not suffer by lying out of his Money for any part of the Sales made by his Commissioners.

The Farmers of Quit Rents in Talbot & Dorchester Counties whose former Contracts are expired, represent to the Board that they cannot continue to Farm the Rents on Ac- p. 103
count of some part of the Articles issued being, to them, very exceptionable, particularly the 4th Article (vide Pa: 48) That they are willing annually to return the fair Debt Book they receive from the Rent Roll Keeper, insert therein all the Re-

Lib. No. 86 marks in their power to make as to Errors or Defects, Report the Alienations & also return a fair and distinct Debt Book at the end of three years. The Board are of opinion that a strict Compliance with the above will be sufficient; but as to their Objecting to giving Receipts agreeable to the 8th Art: the Board are of opinion they are absolutely necessary & easily executed by stating a fair Account of every separate Tract of Land held by the Tenant and leaving sufficient Blank for half yearly Receipts, which will answer the end until alienations shall happen by Purchase or Sale, as in such Case a new Account must be Stated: That as to the objection concerning Land lying on and near the Line that divides this Province and Pennsylvania, The Farmer is only required to use his utmost endeavours to Act in Conformity therewith, of all which the Clerk is ordered to give the above Gentlemen notice.

His Excellency the Governor informs the Board, that George Lee Esq^r resigns his Office of Farmer of the Quit Rents in Charles & St Mary's Counties and that Joseph Marberry will accept the Office in Charles County and Jesse Lock in St. Mary's County provided the latter may only be liable for old Rents on all that Tract of Land granted by the Name of St Clement's Manor, as the Tenants refuse payment of new Rents, tho' charged on the Debt Book, alledging their Lands were purchased from Thomas Gerrard to whom the original Grant was made under old Rents.

Ordered that the Clerk do search the offices for the Date of the original Grant, the Grant on the Resurvey & the Time the Conveyances were made, in order to shew whether old or new Rents ought to be paid.

The Board adjourn 'til Monday the 26th day of March next.

Monday March 5th 1770

p. 104 The Board meet this Day in consequence of an Application made by Daniel of St Thomas Jenifer, Esq^r late Agent and Receiver General.

Present. His Excell^y Robert Eden, Esq^r

The Hon^{ble} { Daniel Dulany, Esq^r -
George Steuart, Esq^r
&
Thomas Jenings, Esq^r

M^r Jenifer attends the Board and lays before them his Accounts as Agent and Receiver General from the Time he was Commissioned until he was Superseded in that Office.

together with the several Vouchers for Payments therein Charged, all which are examined. The Board, on Account of no Settlement having been yet made with the Rev^d M^r Allen, defer the further Consideration of said Accounts until Monday the 26th day of March. Lib. No. 86

His Excellency lays before the Board a Letter from M^r Daniel Sulivane of Dorchester County informing, that a certain Cratcher Lord of said County had obtained a Certificate and made a Survey on Lands supposed to be within a Grant formerly made to the Nanticoke Indians and that a certain George Kirkman had a warrant of Resurvey on a Tract of Land lying near the Nanticoke Indians' Town & has reason to believe that the said Kirkman intends to include a large Body of the said Indians' Land, if the Surveyor should be permitted to follow Kirkman's Instructions.

Ordered, that the Clerk do write to M^r Sulivane and acquaint him, the Surveyor of Dorchester County will be Ordered not to return any Certificate that may affect Lands to which the Nanticoke Indians have a Title under former Grants. p. 105

The Board adjourn til Monday the 26th March next.

March 26th 1770

The Board meet according to Adjournment, Present

His Excellency Robert Eden, Esq^r

The Hon^{ble} { Daniel Dulany
Walter Dulany
Benedict Calvert
George Steuart } Esq^{rs}

The Rev^d M^r Allen attends the Board and represents, that it has not been in his Power to get any Person properly qualified to State his Accounts in a more regular manner than those already furnished.

The Board agree to wait until M^r William Eddis, with the assistance of the Clerk of this Board, shall State M^r Allen's accounts in a mercantile manner in order for Examination, provided M^r Allen will, without delay furnish M^r Eddis with the necessary Books, Papers and Vouchers for that Purpose and also make M^r Eddis a reasonable Compensation for his Trouble in adjusting said Accounts.

The Board defer the further consideration of M^r Jenifer's Accounts until those of the preceding agents shall have passed the Board.

Lib. No. 86
p. 106

Tuesday June 5th 1770.

The Board of Revenue in consequence of a former agreement were to have met this Day, but a sufficient number of Members not being in Town and no Business of Consequence requiring their Attendance, the same is postponed by Order of His Excel^y the Governor to a future Day.

Tuesday October 16th 1770.

At a meeting of the Board of Revenue, Present

His Excellency, Robert Eden, Esq^r
The Hon^{ble} { Benedict Calvert, Esq^r
George Steuart, Esq^r
&
Thomas Jenings, Esq^r

The Petition of James Evans and William Ewing, both of Cecil County, is read; praying the renewal of a Lease on part of Susquehanna Manor (alias New Connaught) which is granted, on condition that an Alienation Fine and likewise all the back Rents due on said Lease be first paid.

The Board, on Account of the Sitting of the General Assembly, the Court of Chancery & the high Court of Appeals, Adjourn 'til the 25th Day of March next.

Monday March 25th 1771.

His Excellency the Governor being Absent, Ordered, That the Board of Revenue which was to have met this Day, to examine the Agents' Accounts as also to take under consideration any other Business that may have been lodged with the Clerk, be further adjourn'd until Monday the 1st of April next, then to meet for the Purpose aforesaid.

Monday April 1st 1771.

p. 107

The Board met according to Adjournment. Present

His Excellency Robert Eden Esq^r
The Hon^{ble} Daniel Dulany Esq^r
The Hon^{ble} George Steuart, Esq^r

M^r Jordan's Accounts as Agent and Receiver General not being brought in on Account of the Absence of his Assistant, a final Settlement with the preceding Agents was postponed until the whole can be completed together.

The Petition of Francis Boyd for the renewal of a Lease for part of Susquehanna Manor, formerly demised to a certain Richard Sedgewick as also to include Vacancy ad-

joining, was read, at the same time a certain Arthur Alexander, being present, did set forth that he was the Person who first Discovered the said Vacancy and therefore prayed a Lease for the same. Lib. No. 86

A Petition was also read from a certain Mathew Sedgwick for a renewal of the demised Premises to him, setting forth that they were left by Will to the widow of Richard Sedgwick with whom he had intermarried and also praying a Lease for Fifty Acres of Land part of said Manor Surveyed for the said Richard Sedgwick in his Life time. Ordered, that the Petitions and Papers relative thereto be referred for further Consideration on a future Day; neither of the Parties having produced sufficient Vouchers to entitle them to a Preference.

The Petition of Thomas Hyde was read praying an Order for a warrant of Resurvey on a Lot and Ground adjoining his Tan yard in the City of Annapolis, he being willing to purchase said Ground, made by the filling up a Creek. M^r Hyde having made an application. His Excellency the Governor was pleased to signify, that if M^r Hyde would have a Petition drawn to the Lord Proprietor, he would forward the Same, that in case his Lordship chose to dispose of said Vacancy he might have the Preference.

The Petition of sundry the Inhabitants of Somerset & Worcester Counties was then read setting forth that in the year 1751. they had Contracted with William Winder then Steward of Wicomico Manor for sundry Tenements to be under Lease for Lives, in consequence of which they had been at considerable Expence in getting the same Surveyed, had settled thereon and made considerable Improvements, but by unforeseen Accidents they had hitherto been prevented from obtaining Leases therefor. The Board are of opinion that it is reasonable and just they should be redressed in such a manner as to put them in the State they would have been in had Leases been then Executed, and therefore Advised that the Leases made out and only executed by the then Agent and the Tenant, be further Completed by his Excellency the Governor who might assign the Reason therefor, in case the same should be satisfactory and if otherwise, that the Tenants must necessarily be at the Expence of new Leases, which may be Executed for and during the Lives that are still in Being and were to have been inserted at the Time of Contract; satisfactory Proof being first produced of the Identity of the Persons. p. 108

Ordered that the Clerk of this Board do write to Hugh Hamersly Esq^r requesting the Favour of him to signify from time to time the Amount and Receipt of Remittances made his

Lib. No. 86 Lordship by his Agent and Receiver General residing in this Province, as such Information would not only be a Checque but also a Justification of the several Sums Charged annually in the Account Curr^t under that Head.

The Board adjourn 'til to morrow morning 10 °Clock.

Tuesday April 2^d 1771

The Board met according to Adjournment. Present.

His Excellency Robert Eden Esq^r

The Hon^{ble} { Daniel Dulany Esq^r
George Steuart Esq^r
Benedict Calvert, Esq^r

p. 109 The Petition of Daniel Cresap being read and duly considered, the Board are of opinion that the Petitioner has an equitable Right to the Vacancy as mentioned in the Certificate on which he has Compounded and therefore order that Patent may issue thereon as prayed, he first paying Arrears of Rent &c.

The Board proceed to take under consideration M^r Hamersly's Letter in Answer to a Statement transmitted the Lord Proprietor respecting John Rowe's Protested Bill of Exchange, and agreeable to his Lordship's Pleasure signified in said Letter. Ordered by the Board, that the Clerk do furnish the Attorney General with a Transcript setting forth the nature of the Claim and in case the Executors of the late Edward Lloyd and John Ross, Esq^{rs} shall refuse, on his application, to make payment, he is requested to commence a Suit against the former in order to compel payment thereof.

The Petition of Joseph Thomlinson of Frederick County was read setting forth that in the year 1762 he obtained a warrant out of his Lordship's Land Office in order to secure about 100 acres of Land to the westward of Fort Cumberland, which by reason of the war he could not get executed that ever since he has been deprived the Benefit thereof by reason of a Rescue being laid for his Lordship's use. The Board are of opinion that he ought to be redressed agreeable to Prayer, his warrant being prior to any Reserve made in that part of the Province.

The Petitions of the Executors of the late John Ross Esq^r Norman Bruce and George Dixon, were severally read, but the Allegations therein being insufficient to support or justify an Assent thereto, they were unanimously Rejected.

The Petition of George Adams, of Somerset County, was then read and after mature deliberation on the several Matters

therein set forth and Vouchers to support the same. Ordered Lib. No. 86
that the Petitioner be directed to procure the fullest Information from the Land Office, that no part of the Certificate mentioned in the Petition has been made use of or applied to other Surveys and especially to those Tracts mentioned in the Petition as lying within the Certificate called Friends Adventure. That after such search, if it shall then appear to the Satisfaction of the Board that no Benefit has been reaped therefrom, the Board will direct the Petitioner to have a Common warrant for the whole, or such deficiency as may appear. P. 110

Ordered, that Notice be given to M^r Meriwether, that on its being intimated to the Clerk of this Board, that M^r Jordan's Accounts are ready for Examination, the Board will meet for that Purpose, as the want of M^r Jordan's Accounts prevent the Passage of the Accounts of the preceding Agents.

Also Ordered, That the Clerk of this Board do write to the Stewards of the several manors requiring them annually between Christmas and Lady-day to transmit Lists of the Leases that may have expired the preceding year, on the Manors under their Care, and also of the Lives that may have fallen on which the demised Premises were held in consequence of which the Tenure becomes more Precarious.

The Petition of Charity Cresap, was read, setting forth that in the year 1750, her Grandfather Col^o Thomas Cresap having paid to the late Lord Proprietary's Agent Seven Pounds Fourteen shillings sterling, obtained a common Warrant for 154 Acres of Land, which Warrant was continued in Force by renewal and a Certificate was return'd of 160 Acres, the residue of the Caution being paid, lying near his Lordship's Manor of Conococheague, which Certificate was assign'd to Thomas Cresap his son, Father of the Petitioner who was afterwards Kill'd by the Indians. That a Reserve laid within three miles of his Lordship's manors in the year 1731, had hitherto prevented a Grant, but, could not operate against the Petitioner as that Manor was not then Surveyed & therefore She prays a Patent for the same. The Board after consideration of the matters therein set forth, do advise, that as the Lord Prop^y has divested himself of the Reserve afore-said, his Excell^y the Gov^r when Col^o Cresap, Grandfather of the Petitioner, shall come to Annapolis, to make such Compensation, as under the above Circumstances, the nature of the Case will admit.

The Board adjourn 'till the 6th Day of June next.

Lib. No. 86
p. 111

Revenue Office June 6th 1771

The Board met according to adjournment, Present

His Excellency Robert Eden, Esq^r

The Hon ^{ble} Walter Dulany	} Esq ^{rs}
The Hon. George Steuart	
&	
Thomas Jenings	

The Board after due examination of the Accounts of the late Edward Lloyd, Esq^r from the 29th September 1767, to the Time he resign'd the Office of Agent, find the same to be just and true, except an Outstanding Debt of £167..1..9 Sterling due from John Rowe which is not admitted, and, exclusive of which there appearing a Balance due to the Lord Proprietor of £69..16..2 Sterling, the Clerk is ordered to write to the Executors of M^r Lloyd to know if the same has been Remitted.

The Board proceed to an Examination of the Accounts of the Rev^d Bennet Allen during the Time he held the office of Agent and Receiver General, and do approve thereof, provided the Remittances and payments therein charged have been made, no vouchers having been produced except for the Sum of £403..12..3 paid to the present Agent and a Bond for the Sum of £147..15. lodged in the Revenue Office.

The Accounts of Daniel of S^t Thomas Jenifer Esq^r having before been duly examined with the proper Vouchers, the passage of them was postponed, only, for want of a List of Outstanding Debts from his Predecessor, which Account has been since obtained & the Balances transfer'd, from which the several Accounts have been again Stated and found to agree, they were therefore this Day approved of by the Board.

In consequence of a Petition to the Judges of the Land Office laid before the Board this Day, it is their Direction that the Sum of Seven Pounds Sterling which appears to have been paid by the Petitioner to the late Agent on a Certificate, be rec'd in part payment on the Certificate of Resurvey.

A Certificate of Resurvey, is laid before the Board, for a certain T. Gosling returned by the Surveyor of Baltimore County and on which a Proclamation warrant had been obtained out of the Land Office, by reason it had not been compounded on in due time; but it appearing to the Board by a Certificate from the Examiner, that the delay was owing to an Error of the Surveyor to whom it was return'd for Alteration, It is therefore ordered that the Agent do receive the Caution money due thereon, and that Patent may issue with his Excellency's Approbation.

The Board having been furnished with further Vouchers Lib. No. 86 from a certain Francis Boyd relative to his Claim to the Renewal of a Lease on Susquehanna Manor and also to add such contiguous Vacancy as may have been heretofore reputed within the Bounds of the former Lease, after due consideration of the matter, are of opinion that the said Francis Boyd is entitled to a Preference, and therefore Order the Clerk to write to the Steward to Survey the Land in question and return a Certificate thereof together with new Leases for the same to the said Boyd on the same Terms and under the same Restrictions as other Leases are or have been granted, on said Manor, he first paying up all Arrears, due his Lordship.

The Petition of William Fennell is read, setting forth that he is in possession of a Tract of Land called Buckridge lying in Worcester County, part of which is taken away by elder Surveys & that he has applied for a warrant of Resurvey thereon which has been refused by reason of the aforesaid Lands lying to the North of the west Line now in Dispute, he therefore prays a special warrant to make good the Defficiency. The Board are of opinion that it is incumbent on the Petitioner first to make appear that the Land called Buckridge was taken up and is affected by Maryland Rights and in such case p. 113 he may have a warrant to make good the Defficiency.

The Board Adjourn until 4 °Clock P. M. then to meet at the House of John Morton Jordon Esq^r in order to examine his Accounts, as his Indisposition will not admit of his Attendance at the Office.

P. M. The Board met according to Adjournment.

Present. His Excellency Robert Eden, Esq^r

The Hon^{ble} { Ben^t Calvert
Walter Dulany
&
George Steuart } Esq^{rs}

M^r Jordan lays before the Board his Accounts as Agent and Receiver General to the 29th of September last past, which after due Examination are approved so far as on Receipt and Remittance, the necessary vouchers having been produc'd except for the Sums of £2000 £1400 and £99..2..7½ charg'd as Remitted but for which no Vouchers have been as yet returned to the Agent.

M^r Jordan intimates to the Board that he finds it impossible to compel the Farmers and others, who have the Receipt and management of his Lordship's Revenue, to furnish him with accounts stated and settled so as to enable him to produce the

Lib. No. 86 proper Vouchers to the 29th of September by the 25th March annually and that he could in a more distinct manner close his Accounts to the 25th March so as to be laid before the Board by the 29th of September & produce proper vouchers for the same.

p. 114 The Board after taking the above under Consideration & also that by the Farmers' Instructions they are to make a Settlement with the Rent Roll Keepers on or before the first Day of February which they frequently neglect to do by reason of the Inclemency of the season, Sickness &c do determine to alter the Time of settling with the Agent, which in future shall be on or before the 29th Day of September Annually; and for the sake of Regularity M^r Jordan is again required to pass an Account on the 29th Day of September next for all Transactions in his Office preceding the 25th Day of March last.

It having been made appear to the Board that a Resurvey has been made on S^t Clement's Manor lying in S^t Mary's County in consequence of which, the whole has ever since been charg'd under new Rents, that is a 4/ p 100 acres, tho' before under the Rent of only 2^s/ p 100 acres; and it also appearing that many Persons who hold part thereof under conveyances long before the said Resurvey was obtained and from which they reaped no Benefit, not having been concern'd therein. It is ordered that an allowance be made to George Lee Esq^r late Farmer, and Jonathan Abell, present Farmer of said County for such Sums as they shall have been answerable for by reason of the Charge aforesaid; the owners of the Lands holding under former conveyances having refused to pay them more than at the Rate of 2^s/ p 100 acres under which they made their several Purchases.

p. 115

Tuesday Novem^r 3^d 1772

At a meeting of the Board of Revenue, Present

His Excellency, Robert Eden, Esq^r

The Hon^{ble} { Daniel Dulany
Walter Dulany
&
George Steuart } Esq^{rs}

The Board proceed to take under consideration the Accounts of Col^o Thomas Cresap for necessities paid for by him as a Commissioner appointed to run a true Meridian Line from the first Fountain of the River Potowmack, including an Allowance to himself, John Revely and Doc^r Charles Wheeler, Commissioners and for two Surveyors amounting in the whole to the Sum of £1056..19..7½ Current Money, which,

after due examination of the Vouchers, is passed and the same is, by Order of his Lordship's Commissioners, paid out of the Moneys arising from the Sale of his Manors and Reserv'd Lands. Lib. No. 86

M^r Reuben Meriwether, Administrator of the Estate of the late John Morton Jordan, Esq^r having intimated to his Excellency the Governor by M^r Smith that he is ready to lay before the Board the Accounts of the said John Morton Jordan during the Time he acted under Commission as Agent and Receiver General, but the Judges of the Land Office having also mentioned that the Acc^o with them had not yet been stated with that Precision which the nature of the Account requires the Same had not been passed but was return'd for Amendments, for which Reason the Examination of M^r Jordan's Accounts are postponed to a future meeting.

April 15th 1772 p. 116

At a meeting of the Board of Revenue, Present

His Excellency Robert Eden, Esq^r

The Hon^{ble} {Walter Dulany}
 {George Steuart} Esq^{rs}

M^r Meriwether attends the Board as administrator of the late John Morton Jordan, Esq^r with the Accounts for Business transacted during his Agency, which on examination are not only Erroneous but very irregularly Stated from which the Debts outstanding cannot be ascertained. The Board therefore Determine that an examination of the Vouchers is at this meeting unnecessary as the Accounts will not pass.

M^r Meriwether then intimates to the Board that from his bad State of Health and for other Reasons, assigned by him, he could not possibly undertake to State them over again with that regularity the nature of them might require and the Board expect; and therefore requested that the Board wou'd permit their Clerk to attend at his House where he might have access to the Books of Account of the Deceased so far as they related to his Lordship's Affairs & from which they might be formed after a method heretofore adopted by the Board as he was equally desirous with M^r Jordon's Securities to obtain a speedy Settlement, that the Balance might be ascertained and discharg'd before any other Claim. The Board inform M^r Meriwether that they have no objection to their Clerk's assisting him in liquidating the Accounts & also that so soon as they shall be ready for Inspection or intimation thereof they would immediately attend for that purpose.

Lib. No. 86

May 2^d 1772

p. 117

At a meeting of the Board of Revenue, Present

His Excell^y Robert Eden, Esq^rThe Hon^{ble} { Benedict Calvert, Esq^r
George Steuart, Esq^r

M^r Meriwether having intimated to the Board that the Accounts and vouchers for Business transacted by the late John Morton Jordan Esq^r were now ready for their Inspection & which he accordingly produces, the Board proceed to examine the Same, and find a Balance due the late Lord Proprietary amounting to the Sum of £4245..10..6 Sterling which M^r Meriwether, as Administrator of the Deceased has paid to the Hon: Daniel of S^t Thomas Jenifer, Esq^r by order of this Board and the said Accounts with a list of Debts outstanding are this Day passed and Duplicates thereof lodged in the Revenue Office.

The Petition of Benjamin Howard is read setting forth that a certain John Howard his great Grandfather obtained a Warrant out of his Lordship's Land Office, in the year 1703, for the Quantity of 1600 Acres of Land which he put into the Hands of the then Deputy Surveyor of Baltimore County by which a Survey was actually made reputed to contain 640 Acres of Land but from the negligence of the said Surveyor a Certificate thereof was never return'd altho' he was paid the Fees, that in the year 1720, an Act passed in favour of Benj^a Howard his Grandfather for the Quantity of about 331 Acres of Land part of said Survey which included all the Land he then proved Boundaries for the courses being lost and which the Petitioner as Heir at Law now prays Patent for. Ordered.

p. 118 That upon M^r Howard's making it appear to the Judges of the Land Office that the Caution has been paid, M^r Howard to have a Patent for whatever Land may remain of said Survey stil Vacant, or in case the caution shall not have been paid that M^r Howard do pay the money for whatever Quantity may remain p return of Certificate unpatented.

The Petition of Doctor Alexander Stenhouse is read praying a preference in the purchase of a Lot of Ground lying within the Rescue of Baltimore Town & lately become Escheat by the Death of a certain Eliz: Grahame.

The above Petition to be taken under Consideration on a future Day and Doc^r Stenhouse to have Preference on his Application.

February 23^d 1774 Lib. No. 86

At a Meeting of the Board of Revenue. Present

His Excellency Robert Eden, Esq^r

The Hon. { Benedict Calvert
Daniel Dulany } Esq^{rs}
& George Steuart }

The Board proceed to take under Consideration the Petition of Thomas French relative to taking of the Reserve to the Westward of Fort Cumberland, except Lands actually Surveyed and Certificates thereof returned for the use of the Lord Proprietary.

It appearing to the Board that the late Lord Proprietary was desirous of having 10000 Acres of Land laid off in that part of the Province for a Manor, in order to secure the same Col^o Sharpe, then Governor, had thought proper to lay a general Reserve until such manor should be ascertained which had not yet been done, but that in lieu thereof Five different Tracts had been actually Surveyed and Certificates thereof returned containing in the whole the quantity of 127680 Acres of Land. The Board are of opinion, that the further consideration of the Petition should be postponed and a previous enquiry made into the Reasons for enlarging the quantity after which they will again meet, and determine the said Petition. p. 119

The Petition of James Clendenning was read, setting forth that he had become a Purchaser and made payment for part of the Reserve in Baltimore County as under Lease for ninety nine years and for which he exhibited Deeds from Abraham Jarrett, Steward of said Reserve, to a certain Andrew Armstrong reciting said Leases, but that on examination he had found the quantity not only fall short but that 104 Acres part thereof had never been granted by Lease to said Jarrett and prays this Board to grant him such Relief in the Premises as to them shall seem meet. The Board being informed that the aforesaid Abraham Jarrett had made a purchase of a considerable quantity of Leased Land & Vacancy, part of the above Reserve, under a Commission from the late Lord Proprietary and being desirous of doing Justice by redressing the Petitioner as far as in their Power, are pleased to order the Surveyor of Baltimore County to examine his Plats & Field notes and compare them with the Claims of the said Clendenning in order to ascertain whether the whole or any part thereof shall be found to lie within said Jarrett's Purchase, & in such case, unless he can Justify his Conduct, on payment of the purchase money the said Clendenning to have a prefer-

Lib. No. 86 ence in a Patent which shall be deemed a part of Jarrett's Purchase & he only to have a Grant for the Residue.

p. 120 The Clerk lays before the Board a memorandum of sundry Impositions which appear to have been long practised by Persons taking up Lands by vertue of Warrants of Resurvey when composed of sundry original Tracts, part of which they have been before allowed on compounding with the Agent when Resurveyed the one into the other & also by different Names. The Hon^{ble} George Steuart Esq^r undertakes to compare them with the Records in the Land Office & make Report thereon, in order that proper measures may be taken to prevent the like Frauds in future.

It appearing that the Rentals of the Western Shore are replete with Errors having been kept in a confused State for many years and part of them transcribed by the late Rent Roll Keeper without correcting the same, The Board are informed thereof & order that they be, for the present rectified as often as they shall occur, until a method can be adopted whereby the present Rent Roll Keeper and Farmers of Quit Rents may be enabled to form them on a more regular Plan. The Board adjourn to the 26th Day of March next.

March 26th 1774.

At a Meeting of the Board of Revenue. Present.

The Hon: Benedict Calvert, Esq^r

The Hon: Daniel Dulany, Esq^r

The Hon^{ble} George Steuart, Esq^r

The Business having been previously intimated to His Excellency the Governor, who by reason of his Indisposition could not attend Personally. The Board resume the Consideration of the Propriety or Impropriety of taking off the Reserve on all Lands lying within this Province to the westward of Fort Cumberland, except such Lands as have been actually surveyed and Certificates thereof returned to this Office for the use of the Lord Proprietary, and after mature deliberation thereon unanimously came to the following Determination Viz.

p. 121 Whereas it appears to this Board, that People have been restrained from making Surveys and obtaining Grants of Lands to the Westward of Fort Cumberland, in this Province, in consequence of an Instruction issued by the late Governor, Col^o Sharpe, to the Judges of the Land Office, bearing Date the 10th Day of April 1764 in the following Words:

Genⁿ

Lib. No. 86

"The Lord Proprietary being desirous to have 10000 acres of Land reserved in the western part of Frederick County for a Manor, I have given the Surveyor of that County Instructions to execute no warrants whatever on the Lands lying beyond Fort Cumberland til the above quantity is surveyed and laid out for his Lordship, of which you will be pleased to take notice and cause the same to be communicated to any Person that may apply for Warrants that may affect Land in that part of the Province." I am

Genⁿ

Your hble Servant
Hor^o Sharpe

And as it appears by Platts thereof, that, since the said Instruction, several Surveys have been made and Lands reserved for the use of the Lord Proprietary to the westward of Fort Cumberland to wit 2550 Acres p Certificate dated the 30th October 1767, 96610 acres p Certificate dated the 1st of December 1767, 17750 acres p Certificate dated the 8th May, 4740 Acres p Certificate dated the 16th May, and 6030 Acres p Certificate dated the 20th May in the year 1768 whereby the Intent and Design of the said Instruction to the Surveyor of Frederick County has been fully answered; and in as much as the Revenue of the Lord Proprietary would be augmented, and the Settlement of the Country be encouraged by giving liberty to all Persons to have surveyed to their use, upon Warrants already issued and that shall hereafter issue the Lands in this Province, to the Westward of Fort Cumberland, so that such Surveys in virtue of such Warrants do not run into, interfere with, or in any manner affect the above, or any of the above Surveys made for the Lord Proprietary: Therefore it is the opinion of this Board that the Deputy Surveyor of Frederick County be instructed to lay out, and Survey for such Person and Persons as for that purpose shall apply to him to execute any Warrant or Warrants on any Lands to the Westward of Fort Cumberland, in this Province, in the same manner and by the same rules as he would do in case the first mentioned Instruction had never been given or issued. Provided that in making Surveys the said Deputy Surveyor do take especial Care that he do not run into, interfere with, or in any manner affect any of the Lands laid out and surveyed for the Lord Proprietary as aforesaid. And it is also the Opinion of this Board, that Copies of the Lines, Courses and Boundaries of the aforesaid Surveys made for the Lord Proprietary, shewing the situation of the Lands surveyed and Reserved as aforesaid for his Lordship's use, he sent to the

Lib. No. 86 said Deputy Surveyor in order that he may be the better enabled to perform his Duty in not running into, interfering with, or in any manner affecting the Lands, or any part of
 p. 123 them laid out and reserved for the Lord Proprietary as aforesaid.

Ordered, That the Clerk of this Board do immediately wait on his Excellency the Governor and lay before him the foregoing State of this Day's Proceedings, and in case his Excellency shall concur in the expediency of the Measure, that then the Certificates before recited be by the Clerk delivered into the Land Office that all Persons may have access to them; and also that Copies of the Courses be forwarded to the Deputy Surveyor of Frederick County, that he may be enabled to regulate his Conduct in all Surveys to be made in pursuance thereof, of all which Proceedings of the Board, His Excellency was pleased, after perusal thereof, to signify his entire Approbation.

The Board adjourn to Tuesday the 17th Day of May next.

May 17th 1774.

At a meeting of the Board of Revenue. Present.

His Excellency Robert Eden, Esq^r

The Hon^{ble} { Ben^t Calvert, Esq^r
 Daniel Dulany, Esq^r
 George Steuart Esq^r
 William Fitzhugh, Esq^r
 &
 Thomas Jenings, Esq^r

The Hon^{ble} Daniel of S^t Thomas Jenifer Esq^r lays before the Board his Accounts with the Executors of the late Lord Proprietary, ascertaining the Debts due at the time of his Death, the monies received and payments made since that Period, Balance due the Executors on Receipt £11177..5..6 Str^s & Debts stil outstanding to be accounted for to the
 p. 124 amount of £312..6. curr^t Money and £7598.—5½ Sterling.

Major Jenifer produces a further account of Bills of Exchange by him remitted on Account of Debts collected for the late Lord Baltimore & the Revenues to the present Proprietary since the 4th of September 1767. Viz.

To Hugh Hamersley, Esq^r as Exec^r & Guardian

To Osgood Hanbury Esq^r to be placed to the Credit of the Executors & Guardians

£15834..19..4¾
8681.. 4..1½
<u>24516.. 3..6¼</u>

for all which the proper Vouchers were produced. The Accounts being signed at the Board by the Agent, are referred for further consideration until distinct Accounts shall be laid before them of the Receipts and Payments made on account of the Exec^{rs} of the late Lord Prop^y of this Province before & since His Excellency the Governor took out Letters of Administration on the Estate of the late Lord Proprietary within this Province. Lib. No. 86

The Agent having withdrawn, Two Letters from him addressed to the Judges of the Land Office, together with the Copy of an answer from the Hon^{ble} George Steuart, Esq^r were laid before the Board and Ordered to be read, being relative to the Powers of this Board and the propriety of their having taken off the Reserve to the westward of Fort Cumberland are referred for Consideration, at the next Meeting.

It having been intimated to his Excellency the Governor that sundry Persons who have obtained Warrants & located them to the westward of Fort Cumberland had run their Lines within some of the Reserves surveyed for the Lord Proprietary, notwithstanding the strict orders given to the Deputy Surveyor of Frederick County not to suffer them in any manner to interfere therewith. The Attorney General is requested to frame a Clause to be inserted in all Grants that may take place in that part of the Province, which will effectually prevent any Surveys affecting any of the Reserves to the prejudice of the Proprietor. p. 125

M^r Jenings having promised to furnish the same, the Board adjourn to Thursday next.

Thursday May 19th 1774

The Board met according to adjournment. Present.

His Excellency Robert Eden, Esq^r

Daniel Dulany, Esq^r

Ben^t Calvert, Esq^r

George Steuart, Esq^r

&

William Fitzhugh, Esq^r

The Board proceed to take under Consideration Letters from the Agent to the Judges of the Land Office with the Answers thereto, and unanimously agree to transmit Copies of the same to the Guardians of the Lord Proprietary together with their Reasons in justification of the Measure adopted with respect to granting Lands (the Lord Proprietary's Reserves excepted) to the westward of Fort Cumberland.

The following are copies of the Agents' Letters & the Answers thereto, mentioned in the proceeding of the 17th Instant,

Lib. No. 86 as also the Reasons which induced this Board to take off the Reserve

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April 29th 1774.

Genⁿ

I have this Day received a Letter from M^r John Hanson Deputy Surveyor of Frederick County, by which I am informed that he has Surveyed for John Swan, Walter Hanson Jenifer & Andrew Scott, nine Tracts of Land to the westward of Fort Cumberland, containing in the whole Three Thousand Acres. As the Land Office has been shut for several years and every Person in the Province, precluded the making Surveys in that part of the Country; I must beg and insist, on behalf of the Lord Proprietor that you do not make out Patents for any of the above mentioned Lands, nor Patents for any Lands Surveyed or to be Surveyed to any other Person to the westward of Fort Cumberland, until his Lordship's Pleasure be fully known, I have also received Information that James Brooks, Robert Smith Jonathan Boucher, Thomas Johnson Jun^r Anthony Stewart, James Tilghman, David Stewart & others, have made or are actually now making Surveys not only to the westward of Fort Cumberland, but have located Warrants to the westward of a Meridian Line drawn from the head of the North Branch of Potowmack River to its intersection of the west Line, run between Maryland & Pennsylvania & even have proceeded in their Locations to the Westward of the Allegany Mountains, against his Majesty's express command by his Proclamation issued the 7th October 1763. You must be very sensible that the Proprietor's noble Predecessors have cautiously avoided giving any Offence, by granting Lands to the westward of the Line settled between the Crown and Lord Fairfax, for altho' there cannot be a doubt, but the Fountain Head of the South Branch, was the Spot intended where the Meridian Line was to be set off as the western Boundary of Maryland; yet, I presume, they waited for a favourable Opportunity of bringing this matter before the King in Council, when there would not be the least doubt of his Majesty's Equity & Justice: That time appears now not to be far off; for as the Pennsylvanians have imprisoned an Officer acting under Commission from Lord Dunmore, and his Lordship in return hath caused three Magistrates acting under Commission from Governor Penn to be arrested and carried to Williamsburgh; it is very likely that these Steps may very soon bring the extention of those Governments before his Majesty in Council, where only they can be settled. Should this be the Case, it would be a favourable time for the Proprietor to put in his Claim to all the Land lying to the Eastward of a Meridian drawn from the head Spring of

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the South Branch 'til it intersected the west Line run between Maryland and Pennsylvania. From these appearances I think it highly improper for the Proprietor or his Officers, to throw the first Stone by granting Lands over the Allegany Mountains; nor is it in my opinion just, or equitable, that the Office should have been opened for granting Land to the Westward of Fort Cumberland, before the back Inhabitants, who stood the Brunt of two Indian Wars (and some of whom I have heard obtained warrants with a view of Locating them on these Lands before the Reserve was laid) had notice, and thereby an equal Chance with others of taking up these Lands. By a Rule of the Land Office, all Certificates are to lye in that Office three months before Patents can be made out, this Rule I conceive to be a very just one, and not to be dispensed with, if it should, a younger Certificate might be preferred to an elder. As I am very sensible of your Justice and Equity, as well as your inclination to promote the Interest of the Proprietor, so I am certain there will be, but one unalterable Rule of Right, by which your decisions will be guided; and as a Month or two longer than the three Months, will afford the Guardians of the Proprietor time to signify their Pleasure in this Business, I submit, to your better Judgment which will direct you, either to grant or refuse my Request. I hope you will excuse the Freedom, which my Duty has impelled me to take & believe me to be, with due Regard,

Lib. No. 86

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Genⁿ Your most Obed^t hble Serv^t
Dan^t of S^t Tho^s Jenifer

Hon^{ble} Geo. Steuart &
B. Calvert, Esq^{rs}

Sir,

Yours dated the 29th Ult^o directed to M^r Calvert and myself I duly received. M^r Calvert's distress, occasioned by the Death of his Son, prevents his coming to Town, this and the hopes of your retracting the Letter, to which this is an answer, prevented my writing to you sooner, I told you it contained an improper request and that I thought you in the wrong, in this perhaps I may be mistaken, however I meant well & friendly. It was from M^r Calvert I first heard that the Governor intended to order warrants to be issued to the westward of Fort Cumberland, both of us waited on you that Instant & informed you of it, and at the same time told you that we could not consistent with our Instructions issue any Warrants until you had certified that the Caution money was paid, when you had done that it became our Duty to issue Warrants, and when the Surveyor returns Certificates of the execution of them, it is no less our Duty to make out

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Lib. No. 86 Patents upon them, the parties complying with all the Requisites required by the Conditions of Plantations; It is inconsistent with the Honour & Justice of the Proprietor to refuse Grants to confirm the Titles of those who purchased Lands lately, any more than to those who were Purchasers formerly, under the same Conditions; it becomes neither you nor me to confine the Proprietor's limits of the Province, the Charter gives him to the Fortieth Degree of North Latitude, then West until it intersects a Meridian from the first Fountain of Patowmack, and for his Officers to confine him within narrower bounds is unreasonable, especially as the late Proprietor has been lately at the Expence of running a Line to the head of the South Branch of that River & when the Virginians hear that the Proprietor's Officers in Maryland doubt of the
 p. 130 extention of his Limits, it will be an encouragement to them to begin to throw Stones, which I never heard that they had yet done, nor can I conceive that his Majesty, who is all Justice, could think of making a Reserve by Proclamation of Lands granted by his Royal Ancestors to any of his Subjects much less to Sir George Calvert who was the Grantor's Favourite and faithful Minister. Therefore upon the whole, I must in Justice to the People who purchased Warrants lately, issue Patents to them, as to others under the same Circumstances. I shall lay your Letter before the Governor and the Board of Revenue and if they think me wrong I shall submit to their better Judgment, we all mean to promote the Proprietor's Interest, we only have different sentiments as to the means to be pursued for that purpose, I know your Zeal for the common Cause, my endeavours shall not be wanting to lend a helping Hand & am

Sir Y^{rs} &
 G. Steuart

To the Hon: Dan^l of S^t Tho^s Jenifer Esq^r

May 9th 1774

Sir

I am sorry that the request I made, in my Letter of the 29th Ult^o should be thought improper, or wrong. It is true, that you & M^r Calvert gave me a private intimation of the Governor's Intention, and both pronounced the measure to be
 p. 131 wrong, and at the same time you must Remember that you & M^r Calvert agreed, the Agent could not refuse Warrant to any Person that applied for it, I thought so too, and believe if I had done it, it would have been the first Instance, Locations not being made in my Office. How far it became your Duty, to issue Warrants directing the Surveyor to survey Lands to the westward of Fort Cumberland, I cannot pretend to dispute

with you, as you certainly know it much better than I do, but I hope you will excuse my reminding you that I applied to you & M^r Calvert & to M^r D. Dulany before any warrant issued out of your Office, to go with me to the Governor to prevail upon his Excellency to recall the Order. And had my request been complied with I think he would readily have postponed the Measure, til the Proprietor's pleasure was known, for I must do him the Justice to say, that I have ever found him ready to take the Advice of those in whom he placed a Confidence. Lib. No. 86

I am far from imputing an Inclination in the Proprietor or his Guardians to do any thing inconsistent with honour & justice, but when a new Measure is about to be taken by which his Property is meant to be transferred, it would seem but reasonable that he & his Guardians should have an Opportunity of considering the propriety & Fitness of carrying that measure into Execution, before they were precluded exercising a Judgment in the Case, by Patents being given under the great Seal. This was all I requested I would not presume to do anything, which might tend to limit the Extention of the Grant to the Proprietor's noble Predecessor, nor can I conceive how such a Construction could be made upon my Letter; but as the Lands to the Westward of a Meridian drawn from the head of the North Branch, to its intersection with the West Line of the Province, have never yet been granted by the Proprietors of Maryland, however clear the Right may be, I stil think a delay of exercising that Right for a short time, cannot weaken it, or encourage the Virginians to consider it as a dereliction; and that it would be more agreeable to the Proprietor to delay granting those Lands until the Dispute was fairly Settled, than to bring on an abrupt Contest, by exercising his Right at this particular time. p. 132
My Conduct in this Affair has flowed from the Duty I owe to the Proprietor & the attention I shall ever pay to his Concerns here, whilst I have the Honour of being employed by him, in which tho' I have not the Pleasure of your Concurrence in this Instance, yet I cannot in conformity to your wishes retract my Letter, no Reason having been as yet offered to convince me, that the Request contained therein is unreasonable, or that the Compliance with it, can possibly be attended with any ill Consequence. Your own Judgment & Discretion assisted by the advice of the Board, you mention, I doubt not will govern your Conduct in granting or delaying to grant Patents; I have only interfered so far as I thought it my Duty to do.

As I am informed that Surveys are now actually making within the Lands reserved for the Proprietor, it would seem fit & prudent to make such restriction in the Patents (as you

Lib. No. 86 seem resolute to grant them) as will prevent their having
 p. 133 Effect so far as the location is made within such Reserves,
 and this Step appears to be the more necessary, as the Survey-
 or has signified to me, that altho' he shall do everything in his
 Power to prevent an Interference, yet he is fearful as the
 Lands lie at such a Distance, it will not be in his Power to
 prevent Encroachments.

I am well convinced of your Zeal for the Proprietor's
 Interest, your Actions having ever evinced it to

Sir, Your most Obed^t hble Serv^t
 Hon. Geo. Steuart, Esq^r Dan^l of St. Tho^s Jenifer.

Sir,

I received yours dated yesterday nobody breathing would
 more chearfully co-operate with you than I would but as I am
 directed to advise with the Governor & Chancellor, I must in
 all difficult cases apply to them for assistance; the resurvation
 of the Proprietor's just Rights is a duty incumbent upon all
 his Officers, and I assure you, that it affords me great Pleasure
 when I have it in my power to defend his Property from every
 attack made against it.

You say that the Surveyor informs you that it is scarcely
 possible to prevent those who have the execution of the War-
 rants, lately issued, from intruding upon his Lordship's Re-
 serves, pray get information from him who are the Intruders,
 that Caveats may be entered against their having Patents and
 this will answer the end you desire, it is my duty to do Justice
 p. 134 to the Proprietor as well as to his Tenants and I shall exert
 my utmost Power to prevent any Injury to him or them. As
 we all aim at the same thing I hope we shall at last succeed
 & am

Sir, Your most Obed^t Hble Serv^t

Geo: Steuart

Annapolis May 10th 1774.

M^r Jenifer's Interposition in his Capacity of Agent appears
 somewhat extraordinary in respect both of the Matter and
 Manner of it, From his Letter to the Judges of the Land
 Office we might be led to infer, that his Information con-
 cerning the Warrants for Lands to the westward of Fort
 Cumberland, was first communicated from the Surveyor of
 Frederick County were we not assured that he was fully in-
 formed thereof, before they had any notice or Intimation that
 the constructive Restriction on Governor Sharpe's Order had
 been taken off; that he had actually received the Caution
 money for such Warrants, and had given the usual Titlings
 to the Land Office, not only before warrants reached the

hands of the Surveyor, but antecedent to their issuing out of the Land Office. Lib. No. 86

Upon the Subject, whether it was proper or not to open the Office, in respect of Lands to the westward of Fort Cumberland, we gave our opinion on the 26th March last to which we refer, and in a day or two afterwards, the Agent demanded an Inspection of our Proceedings, and his Requisition was submitted to by our Clerk.

The Course is, when Vacant Lands are to be taken up, under the Conditions of Plantation, to pay the Consideration or Caution money to the Agent, who thereupon gives an order, or Titling to the Land Office specifying the sum received by him and the number of Acres the party is to have surveyed upon this order the warrant for making the Survey issues from the Land office, directed to the Surveyor of the County where the vacant Lands are & these orders being preserved in the Land Office, are a check on the Agent in settling his accounts of the Caution Money received: When the Surveyor returns his Certificate to the Land Office, it remains there for three months before a Patent issues, after which the party is entitled to a Grant by the established Rules of the Office; wherefore we apprehend, that this Rule, after the Caution money is paid, constitutes the contract to be performed with the Party, and consequently that the Faith of Government is engaged that it shall be in this manner complied with, but if this Rule be altered (which the Agent in his Letter seems to consider as an unalterable Rule of Right) and the Alteration is to be made with a view of obtaining an order to prevent the issuing of Grants; and if the Attempt to induce such an order should be successful, the Parties will have reason to be alarmed, to complain of a breach of Contract & of the precarious dependance on Acts of Government. If there be no intention to obtain an order to prevent the issuing of Grants, we shall not undertake to conjecture, why the Agent thought it expedient to express his Zeal on this Occasion for the Interests of the Proprietor, and to insist on his behalf, that there should be a new retrospective Regulation of the Land Office; should there be in consequence of his unexpected Representation an order not to issue Patents to those who have paid the caution Money executed their Warrants in pursuance of his Tittings, return'd Certificates and entitled themselves to Grants according to the common course and invariable Rules of the Land Office, it may be with Propriety asked, how are the Parties to be indemnified? a return of the Caution Money received and repayment of the several Fees, with Interest will be insufficient for this Purpose. The Trouble & Expence in

Lib. No. 86 gaining information of Vacant Land are considerable and the disappointment of many who may have regulated their Affairs in expectation of Grants according to the usual Course, will be severely felt. The Rights of those who have paid for and obtained warrants and made advantageous Locations, may be transferred, and the Purchasers proceeding agreeable to the common Usage in Transactions of this nature would have greater Reason than we wish them to have to complain of Injustice, should their Grants be withheld.

If the Measure of opening the Office respecting Lands to the Westward of Fort Cumberland, according to our opinion above referred to, appeared improper, as the Agent was fully apprised of the meeting of this Board, the occasion of such meeting, and of both the Substance and Letter of our opinion, if he thought it his indispensable duty to oppose it, his objections & Reasons in support of them would have been then more seasonable than they were on the 29th of April last, at which time he had received Caution Money to the Amount of £3459..—..6 and since that time to the am^o of £2200..—..— and actually given his Titlings for warrants.

p. 137 . Our Authority, it seems, has been called in Question. If we imagined it no longer existed, we should not upon any possible Motive of self Interest, concern ourselves with the Proprietor's Revenue, but we apprehend as this Board was established in consequence of the late Proprietor's Instructions which have been revived and continued by the general Instruction upon the accession of the present Proprietor, so we presume to think that the Authority of the Board is in Force as well as the Conditions of Plantations, and other Matters dependant on Instruction. If our Authority has however ceased, we should be at a loss to investigate the Power of Controul which seems to be Claimed by the present Agent; his Commission does not shew it, and we believe no former Agent ever exercised, or claimed it.

Before the establishment of this Board, the Governor and other Officers, were vested with the power of superintending the Affairs of Revenue; & we conceive it was upon the supposition of our continued Authority, that the opinion above referred to was required by & submitted to the Governor.

The Reasons assigned by the Agent in his Letter to the Judges of the Land Office, why he thought proper to controul their Proceeding in issuing Patents according to the established Conditions of Plantation may be reducible to the following Heads:

First, That the making Surveys beyond the Allegany Mountains, would be against his Majesty's express Command by Proclamation in the year 1763.

Second, That the former Proprietors of this Province cautiously avoided giving offence by granting Lands to the westward of the Line settled between the Crown & Lord Fairfax (tho' the Agent alledges there cannot be a doubt but that the Fountain Head of the South Branch of Patowmack is the place referred to in the Charter of this Province) and he presumes this Caution was intended to be observed until there should be a favourable opportunity of bringing the Matter before the King in Council, and that the present Contest between Virginia and Pennsylvania will probably afford this Opportunity; he therefore thinks it highly improper for the Proprietor, or his Officers to throw the first Stone by granting Lands over the Allegany Mountains. Lib. No. 86
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Third, That the back Inhabitants who have stood the brunt of two Indian wars ought to be preferred; and that he has heard some of them had obtained Warrants with a view of surveying Lands to the westward of Fort Cumberland, before the Reserve was laid.

As to the First, It must be confessed that we did not foresee the Objection, nor do we now perceive that there was any foundation for it. When the Royal Order was made in 1763, there were in the then Situation of American Affairs, particular State Reasons for such prohibition, but the purposes of this Order have been fully answered, and in consequence of the King's subsequent Proclamation very extensive Grants have issued for Land beyond the Mountains, to Officers & Soldiers who served in America & were reduced on the Peace, and we are assured that more than Two Thousand Families have since settled in Pennsylvania beyond the Allegany, under Titles from the Proprietaries, & above double that number in other parts of America over the same Range. When for Reasons of publick Utility the order of 1763 was notified, a compliance with it was decent & proper, tho' we do not imagine that it could, or was meant to abridge the Right of the Proprietor under the Charter of Maryland; and it seems to be a groundless Fear that an immediate exercise of this Right may give Offence to the Crown, after the Order of 1763 has been in the most explicit Terms superseded by the subsequent Proclamation, and so many Thousand Families have been permitted to settle beyond the mountains, in the neighbouring Colonies of Virginia and Pennsylvania. These Settlements we apprehend have been greatly disadvantageous to the Proprietary Interest, and the temptation given to many People to emigrate from hence in search of Lands on easy Terms will, if not speedily removed, prove very detrimental to the future Improvement of the Province. p. 139

Lib. No. 86

As to the Second, We presume that the former Proprietors were not inclined to enter into Contests with the Crown; but this Intimation seems to imply that some measures or Instructions indicative of a peculiar Caution, have been pursued or given with which we are totally unacquainted, nor do we perceive how the late Dispute between the Colonies of Virginia & Pennsylvania, which has no relation to the limits of this Province, will afford an opportunity of representing the Proprietor's Claims with which no acts or Grants of the Government of Virginia, to our knowledge interfere. If the making of Surveys and issuing Patents with a view of effecting gradual & peaceable Settlements under the Charter should now be stopped upon the Principle of this objection, it may draw on, and encourage the Interposition of Virginia, and Arguments may be deduced against the Proprietor's Right from his reluctance to claim & exercise it. When the Bounds of the neighbouring Provinces are liable to controversy, settlements and Improvements have been always deemed advantageous to that Colony under whose Title & Government they were made. It cannot be disputed but that all the Land to the westward of Fort Cumberland in this Province, was subject to be taken up under the common Conditions of Plantations, and that the Restriction proceeded from the Order of Governor Sharpe, pursuant to an order from the Proprietary to reserve for him 10000 Acres. As the Restriction communicated by the late Governor's order to the Surveyor of Frederick County was not general, but for the particular purpose of securing a Reserve to the Proprietor, which has been fully answered; we therefore apprehend it was expedient to inform the Surveyor that he was no longer bound by it. If the Intention had been to reserve all Land to the westward of Fort Cumberland the Reservation of parcels was unnecessary, and the Order respecting Surveys would have been absolute & general instead of qualified & special.

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In consequence of the late Proprietor's Instruction a Line from the first Fountain Head of Patowmack was run at a considerable Expence to his Lordship, but for what Purpose was the Boundary ascertained, if no beneficial Consequence was to result from its Establishment?

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Further it appears to us that the small number of Surveys made to the Westward of Fort Cumberland, prior to the order of Governor Sharpe, was owing to the quantity of vacant Lands more valuable & conveniently situated, which were subject to the Conditions of Plantation. Antecedent to the above Prohibitory Order, we do not find that there was any kind of Restriction to prevent surveys to the westward, and this Order

having issued for particular purposes, which have been since Lib. No. 86
effectually answered, we conceive the Lands in question are
subject to the same Regulation & Rules of Office as those here-
tofore Granted.

As to the Third, We are not informed of those Persons who
it is said, have stood the brunt of the Indian Wars, nor can
we forbear remarking that if the Agent knew of any such
whose particular circumstances entitled them to Regard, he
would have more effectually promoted their Interests by a
communication of his knowledge to the Governor, before the
26th March last, than by his oblique Censure of our Proceed-
ings in his Letter to the Judges of the Land Office, so late as the
29th of April. From principles of benevolence the Governor
has directed the Surveyor of Frederick County to inform
those who have settled to the Westward of Fort Cumberland
that upon application & payment of the Proprietor's Caution
Money, they shall be preferred before others; and if any Per-
sons are possessed of, or entitled to Warrants, which they
purchased with a view of surveying Land in that part of the
Province, as the office is open, they have an opportunity of
completing their Titles; but if these Warrants have been exe- p. 142
cuted elsewhere, they can have no pretence of Claim. The
Restriction with Respect to the Lands reserved for the use of
the Proprietor is fully and most expressly continued, for
which we refer to the proceedings of the 26th March last; and
we are of opinion that every precaution should be used to
prevent other Surveys from interfering with these Reserves:
Should there be any suspicion of designs to evade the Restric-
tions respecting the Reserved Lands, we recommend that
Caveats be entered until there can be a full examination into
the Matter; and the more effectually to counteract every In-
tention of this nature we think it necessary that a special
Proviso should be inserted in the Patents.

We apprehend that the expected Emolument from the Pro-
prietor's reservation will be entirely lost if the adjacent Lands
remain uncultivated; the Mountainous situation of the Coun-
try and its distance from Navigable Water preclude the hopes
of an extensive Commerce, and unless opportunities be af-
forded to the Tenants of interchanging their Commodities
with the neighbouring Inhabitants, we conceive but few Per-
sons & those of the lowest Estimation would incline to settle
in this solitary part of the Province, shut out from the inter-
course of Mankind.

It being intimated, that the Hon^{ble} Daniel of S^t Thomas
Jenifer, Esq^r is desirous of inspecting the proceedings of this
Board relative to the Letters addressed by him to the Judges

Lib. No. 86 of the Land Office. Ordered that the Clerk do inform him, that the Board have not any objection to his perusing the same and that on application he may be furnished with Copies thereof.

p. 143 M^r Dulany being much indisposed his attendance is dispensed with.

The Board take under consideration the propriety of adopting a measure for the encouragement of such of the back Inhabitants as may have settled & made small Improvements, and are unanimously of Opinion; That his Excellency the Governor hath a Power, agreeable to Instructions from the late Proprietor to the Judges of the Land Office (a Copy of which they are to furnish) to order Warrants to issue for small Parcels of Land, not exceeding one hundred Acres each, to be surveyed for those as shall apply therefor, with the Indulgence of making Payment of the Composition money & other Charges at any time within Two years from the Date of such Warrants.

It is the opinion of this Board that a proviso be inserted in all Grants that may issue for Lands to the Westward of Fort Cumberland effectually to make void such part or parts thereof as shall be found situated lying and being within any of the Lord Proprietor's reserved Lands in that part of the Province.

On further examination of the Agent's Accounts with the Executors of the late Lord Proprietor, the Board unanimously pass the same.

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Annapolis Jan^y 11th 1775

At a meeting of the Board of Revenue. Present

His Excellency Robert Eden, Esq^r

The Hon^{ble} { Benedict Calvert, Esq^r
George Steuart, Esq^r
William Fitzhugh, Esq^r

The Hon^{ble} Daniel of S^t Thomas Jenifer Esq^r having signified to the Clerk of this Board that his Accounts as Agent and Receiver General for the Lord Proprietary were stated from the 4th of September 1771 to the 29th September 1773, and that he was ready to lay the same, with the proper Vouchers, before the Board, the Clerk gave intimation thereof to the several Members who were pleased to appoint this Day for an examination thereof.

The Agent represents to the Board, that the reduction of the Commission to the Farmers of several of the Counties to 10 p Cent has laid him under the necessity of putting many of the Rents into the hands of the Sheriffs for Collection, as other Persons capable will not undertake to Farm them on the

present Terms, by which the Proprietor's Rents are very badly collected, he therefore moves the Board to take the same under Consideration & mentions, as his opinion, that if the Commissions on Anne Arundel County Rents should be made 15 p Cent, as Frederick and Baltimore Counties are, and the others now at 10 raised to 12½ the same might be collected to the Proprietor's Advantage and Satisfaction. Lib. No. 86

The Board are unanimously of opinion, that as often as the Agent is under Difficulties to get good Men to accept the Trust, & such office being forced & a Burden on the Sheriffs, the measure ought to be adopted, not exceeding the Commission above specified.

The Board having Inspected the Agent's Accounts & the Clerk carefully compared them with the several vouchers the same are passed, except the Article of Charge by way of Salary part of which had been before allowed in his Account passed with the Executors of the late Lord Proprietary & which the Agent had before noted.



OPINIONS

OF

MESSRS. WYNNE, THURLOW, WEDDERBURN AND
DUNNING

ON THE REGULATION OF OFFICERS' FEES.

ORDERS AND INSTRUCTIONS

TO

GOVERNOR ROBERT EDEN,

1773.

SERJEANT WYNN'S OPINION

Lib. 82, J. R.
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THE CASE

King Charles the first by his Letters Patents dated 20th June 1632 Granted to the then Lord Baltimore, The Absolute Lordship and Proprietorship of the Province of Maryland (Saving Faith Allegiance & Sovereign Dominion to his Majesty his Heirs and Successors) Together in General with all and singular the like and as ample Rights Jurisdictions Privileges, Prerogatives Royalties Liberties Immunities Royal rights and Franchises of what kind soever Temporal as well by Sea as by Land To have exercise use and Enjoy the same as amply as any Bishop of Durham within the Bishoprick or County Palatine of Durham in the Kingdom of England Then had or at any Time theretofore had held used or Enjoyed or of right ought or might have had held used or enjoyed.

By another Clause of the said Letters Patents his said late Majesty Gave to the said Lord Baltimore Power to appoint Deputies Lieutenants Judges Justices Magistrates Officers and Ministers either by Sea or Land for what Cause soever and with what Power soever and in such form as to him and his Heirs should seem most convenient; And to do all and every other thing or things which unto the compleat Establishment of Justice unto Courts Judicatories and Tribunals Forms of Judicature and manners of Proceedings do belong, Altho in those Presents Express mention be not made thereof.

By Virtue of such Powers the Lord Baltimore Erected Courts and appointed Judges Magistrates and Officers for the better Government of that Province and Administration of Justice therein; And which Judges Officers &c. have always acted and still Act in the several Courts under such appointments, During such Time as the Government of the said Province remained as it now is in the hands and under the Direction of the Lord Baltimore.

Between the year 1632 and 1642 no Certainty of any Regulation appears to have been made of the Fees of the Ministers of the Courts of Justice and some Officers of the Government.

In 1642 A Table of Officers' Fees was assessed and Published under the Great Seal of the Province by the then Lieutenant General & Council of the s^d Province

Lib. 82, J. R. In the year 1676 By a Message from the Upper House of Assembly in the said Province The Lower House was acquainted That the List of Chancellors' Fees was settled by the then late Lord Proprietary, And his then present Lordship would not Consent to any Act for settling the same, it being his Prerogative; But that That List might be Recorded in the Journal of the House; Whereupon the Lower House voted, That in regard his Lordship declared That an Act for the Chancery Fees would Intrench on his Lordship's Prerogative The Lower House did not desire to do the same by Act, But all that they Aimed at was: That the Inhabitants might Certainly know what Fees they were to Pay; And since nothing could be more reasonable than That the same should be settled & Published; the Lower House Humbly requested his Lordship to ascertain the Fees of all his Lordship's Officers, And that fair Lists thereof might be drawn out with his Lordship's Assent thereunto. And that true Copies of the same might be sent to the respective County Courts with the Laws made this Assembly there to be Published and Recorded; And that an Act might be drawn up That every Officer Exceeding the same may be fined &c:

Pursuant whereto An Act was passed That Assembly for the Limitation of Officers' Fees, with the following Proviso Viz. If any Fees for any matter or thing hereafter to be done belonging to their several Office and Offices And by the Right Honourable the Lord Proprietary or his Lieutenant and Governour So allowed and adjudged and not in this Act mentioned Limited and allowed Then it shall be Lawfull to have and receive such Fees as the Lord Proprietary and Council shall allow and no more.

N. B. This Act of 1676 was a Perpetual Law.

In 1692 An Act was made for repealing all Laws theretofore made and confirming all Laws made that General Assembly which Laws were to be and remain in full Force and Power According to the true Intent and meaning thereof And that the same should be accounted & Esteemed the Body of the Laws of this Province and no other theretofore made. In which Act was a Proviso not to Prejudice any Person's rights by Act of Nature Affection or any Private Acts theretofore made relating to any private Persons.

In the same Assembly of 1692 A Temporary Act for the continuance of three years and to the end of the next Sessions passed for the Limitation of Officers' Fees; But in the said Act there is no express Repeal of the perpetual Law of 1676; And in the same Act of 1692 The same Proviso was as in the Act

of 1676; And from the same year of 1692 Temporary Acts for Lib. 82, J. R.
Limitation of Officers' Fees were passed, and Continued by
Acts of Revival, from time to time untill the year 1725, with
the same Proviso as was in the Acts of 1676 and 1692

In 1694 another Repealing Act was made Intituled an Act
for Repeal of all Laws therefore made and confirming all
Laws made that General Assembly with a Proviso to save Acts
of Naturalization & Private Acts

In 1695 another Act passed for ascertaining the Laws of the
Province, which Repealed all Laws but those mentioned in the
Schedule annexed thereto, And the Laws made in that Ses-
sion; In which Schedule an Act Intituled an Act for Repeal
of all Laws theretofore made in this Province and Confirming
all Laws made this General Assembly, is mentioned, And
which said mentioned must be the Act of 1694 since no other
Act with that Title was then in Force, The former Act of 1692
with that Title then standing repealed by the said Act of 1694.

In April 1704 An Act to Repeal certain Laws and to
Confirm others which Act Repealed all not therein Expressed
and amongst those Expressed not to be repealed Is the Act
for the Repeal of all Laws theretofore made in this Province
And Confirming all Laws made that General Assembly with a
Salvo to Acts of private use And which said Act so Expressed
must be the Act of 1694. Because no other Act with that
Title was then in force

In December 1704 An Act was made to repeal and make
void all and every Act and Acts of Assembly made and En-
acted at any Time Before the Assembly in April 1704 except
two Acts therein mentioned And which were not revived saved
and Enacted that Sessions.

In 1715 An Act was made to repeale all Laws theretofore
made which were re-enacted That Session to be repealed and
in 1719 An Act was made to explain and declare particularly
what Laws were repealed by the Repealing Act of 1715 But
neither the Act of 1715 or 1719 mention any of the afore-
going Acts to be repealed and therefore they were not affected
by the said Acts of 1715 or 1719

The Assembly from Time to Time endeavouring to lessen
the Officers' Fees His Lordship the Lord Proprietary signified
to the Province in the year 1720 Viz.

This was left vacant for my Brother's Speech relating to
Officers' Fees which you may find amongst Lowe's Papers.

In the year 1725 another Temporary Act was passed for the
Limitation of Officers' Fees with a greater Abatement and
Reduction thereof than in the year 1719 which was dissented

Lib. 82, J. R. to by the Proprietary And in which the usual Proviso of the former Acts was Omitted.

Since the Dissent of the said Act of 1725 the Fees have not been ascertained by any Act or other fixed Regulation.

The Act in December 1704 repealed all Acts enacted at any Time Before April Assembly 1704. By virtue whereof the repealing Act of April 1704 Then continued and still is in Force; That Act of April 1704 repealed all Laws therein not Expressed, And amongst those Expressed not to be repealed, Is the Act of Repeale of all Laws theretofore made in the Province and Confirming all Laws made that General Assembly; By force of which said Act of April 1704 which is still in Force the Act of Repeal in 1695 For Ascertaining &c. which was then in Force and not particularly Expressed in the said Act of April 1704 was repealed and the Act of 1694 Continued and Still is in Force by being particularly mentioned amongst those designed not to be repealed in the Act of April 1704, The Act of 1694 Repeals all Laws theretofore made and Consequently repeals the Repealing Act of 1692 which by the General words did Repeale the perpetual Act of 1676 for Limitation of Officers' Fees; And the Act of 1719 was made only to Declare particularly what Laws were repealed by the Act of 1715 But amongst such Laws so declared to be repealed none of the Acts aforementioned is declared to be repealed so that neither the Act of 1715 or 1719 has any Relation to them.

1 Qu. Whether a Repealing Act can have Effect on any Acts but such as are in Force at the Time of making such Repealing Acts.

2 Qu. Whether the Act of 1694 by the State of the within Case is not still in Force and whether the Repealing Act of 1692 must not stand repealed as long as the Act of 1694 is of Force.

3. Qu. Whether the Act of 1695 which was in Force at the Time of the Act in April 1704 was not repealed by the Act of April 1704 and must continue so as long as the Act of April 1704 has Effect.

4th Qu. Whether the Act of December 1704 has any Effect to Repeale Laws of the Assembly in April 1704 since by the words it only Repeals Acts made at any Time before the Assembly in 1704 and Consequently whether the Act of April 1704 does not Continue in Force, Since the Acts of 1719 or 1725 have no relation to it or any of the others.

5 Qu. Whether the Repealing Act of 1692 and the other Act of 1695 notwithstanding repealed, The Act of 1676 for

Limitation of Officers' Fees is not revived and of full Force since it is conceived the Act of 1694 and of April and Dec^r 1704 cannot affect the Act of 1676 The said Act not being in force at the Time of making such Acts; For the Act of 1676 During all that Time Either stood repealed by Express Acts of Repeal or by an Implicit and Virtuall Repeale Suspended by Temporary Laws for Limitation of Officers' Fees, which were revived and in force from Time to Time untill the year 1725; And the Acts of 1719 and 1725 have no relation to any others than such as are mentioned in the Act of 1725 amongst which the aforementioned Acts are not taken Notice of. Lib. 82, J. R.

6 Qu. Whether an Act can in the least be supposed to be obsolete under the Circumstances of the said Act of 1676 for Limitation of Officers' Fees.

7 Qu. Whether the King can by his Prerogative ascertain and regulate the Fees of Officers in his Plantations, And whether he can Grant or has Granted such Power to the Lord Baltimore by his Charter which contains besides the aforementioned Clauses many Royall Priviledges

8 Qu. Whether the Lord Baltimore cannot by Virtue of such Grant Regulate such Fees, and whether it may be most advisable for him and agreeable to his Power to make such Regulation of the Quantum by his own imediate Order and Pleasure or send Instructions to his Lieutenant Governor and Council in the said Province to make such Regulation

9 Qu. Whether the Regulation made in 1642 by the then Governour and Council And the Act of 1676 for Limitation of Officers' Fees agreeable to the Admission of that Session of Assembly in 1676 And the same Proviso in every Act of that nature as was in the Act of 1676 doe not together with the Charter Establish a Right in the Prop^r of such Power to Regulate the Fees and make it part of the usage & Constitution of the Province as well as the more undoubted Priviledge of the Proprietary.

Answer to the 6 first Qu.

I conceive the Act of Assembly 1676 to be totally repealed by the Act of 1692 and the several subsequent Acts, for tho' there is no particular Repeal of it, yet, if there is no particular Salvo or exception of it, it will be repealed of Course by the General words of the Acts 1692 &c. w^{ch} are declared to be made for repealing all Laws theretofore made and therefore this of 1676 being one of those Laws theretofore made is repealed as well as any other. And tho' the several Acts of Repeal 1692 1694 &c. are in other respects only Temporary,

Lib. 82, J. R. yet when they once repeal another Act tho' for a moment, Tis in Construction of Law & ex ir termini, gone forever. There is no doubt but an Act by Proper words may be suspended for a Time, as the Habeas Corpus Act here in England has been several Times, but I think tis an Absurdity to say that an Act can be repealed for a Time, & afterwards revive, unless it is re-enacted by particular and Express words.

7 8-9 Q: I dont in the least doubt but that the King may (if he would condescend so far) regulate the Fees of any of his Officers. And I apprehend He can & has granted by Implication such Power to Lord B. as a necessary Incident to the Power of making Judges, Justices & other Officers tho' there is no doubt but he may if he pleases, submit the Regulation of them to an Act of Assembly, as he did by the Law Passed 1676 but as that Act is repealed, and as there seems to me to be no Law now in being that does in the least diminish or restrain this Power of the Lord Proprietor, I conceive he may by his own Authority regulate & settle the same, as was formerly done in the year 1642 tho' I think it is more advisable and I believe it will be better received there, if His Lordship's Govern^r & Council do make such Regulation, & Publish it under the Provincial Seal, who being on the Spot may be presumed to know the just and reasonable Quantum of the Fees claimed or taken by the several and respective Officers.

Wi. Wynne 15 Janu

1730/1

Middle Temple

THE OPINION OF MESS^{rs} THURLOW, WEDDERBURN AND DUNNING

THE CASE.

King Charles the first by his Letters Patent 20th June 1632 Granted to Cecilius Lord Baltimore the Province of Maryland in General with all and singular such and as ample Rights Jurisdictions Priviledges Prerogatives Royalties Liberties Immunities and Royal Rights and Temporal Franchises to be had Exercised used and enjoyed as any Bishop of Durham within the Bishoprick or County Palatine of Durham in the Kingdom of England ever heretofore hath had held used and enjoyed or of Right could or ought to have hold use or enjoy and to constitute and ordain Judges Justices Magistrates and Officers of what kind for what Cause and with what Power soever and in such form as to him or his Heirs should seem most fitting and also to remit and Pardon all Crimes and

Offences whatsoever whether before or after Judgment and to do all and singular other things belonging to the Completion of Justice and to Courts Judicatories and Tribunals judicial forms and Modes of Proceeding although express mention thereof in these Presents be not made and by Judges by them delegated to award Process hold Pleas and determine in those Courts Judicatories and Tribunals in all Actions Suits Causes and Matters whatsoever. Lib. 82, J. R.

By virtue of the Letters Patent aforesaid Lord Baltimore erected Courts and appointed Judges Magistrates and Officers who have always acted and still act in the several Courts under such Appointment except from the year 1692 to 1715 when on Account of the Disability of the Lords Baltimore the Government was in the Crown till Lord Charles being a Protestant was in 1715 restored by George the First.

Between the years 1633 and 1637 the Officers appointed by Lord Baltimore or his Governor were authorised by their Commissions to demand and receive such fees as were usually paid in England or Virginia for similar Services.

In the year 1642 a Table of fees was settled and Published by the Governor & Council of the Province.

In the year 1676 a perpetual Act passed for Limitation of Officers' fees but before the said Act was framed the Lower House of Assembly were acquainted in a Message from the Upper that the list of Chancellor's fees was settled by the then late Proprietary and his present Lordship would not consent to an Act for settling the same it being his Prerogative, but that the list might be recorded in the Journals of the House whereupon the Lower House voted that they did not desire to intrench on his Lordship's Prerogative but all they aimed at was that the Inhabitants might certainly know what fees they were to Pay, and since nothing could be more reasonable than that the same should be settled and Published they humbly requested his Lordship to ascertain the fees of all his Officers and that fair Lists thereof might be drawn out with his Lordship's Assent and true Copies thereof be sent to the respective County Courts to be Published and recorded and an Act framed for fining every Officer exceeding the same.

In the Act of 1676 was the following Proviso "If any fees for any matter or thing to be done belonging to the several Offices and by the Lord Proprietary or his Governor so allowed & adjudged and not in this Act mentioned then it shall be Lawfull to receive such fees as the Lord Proprietary and Council shall allow and no more."

In June 1692 a General repealing Act passed in the same Assembly a Temporary Act for three years passed for Limi-

Lib. 82, J. R. tation of Officers' Fees with the same Proviso as was contained as aforesaid in the Act of 1676 and so from Time to Time from 1692 to 1725 except for a very short Interval

In the year 1692 when the Government of the Province was assumed by the Crown M^r Copley was appointed Governor and was empowered by his Commission and Instructions from the Crown to settle with the Council the fees of Officers.

M^r Blakiston received a Commission in 1692 from their Majesties to be Commissary General and was thereby empowered to receive the fees and Emoluments that should be settled by them or their Governor and Council.

Governors Nicholson Blackiston Seymour and Hart, the Successive Governors after Copley appointed by the Crown till Lord Baltimore was restored, were respectively empowered by their Commissions to Settle the Fees of Officers.

In the Province of New York the fees of Officers were settled in the year 1708 by the Governor and Council and their Regulation has continued to the present time.

In the year 1733 there then being no act of Assembly for the Purpose and Lord Baltimore being in Maryland He settled the Fees of Officers.

The Costs in the Courts of Law and Equity consist of the fees paid to the Officers and Lawyers and from the year 1733 to the year 1747 the Officers charged their fees according to his Lordship's Settlement and all the Judgments of the several Courts during that Period were [settled] accordingly.

In 1747 An Act of Assembly passed for the Inspection of Tobacco and by this Act Tables of Fees for all the Officers were established. This Act being Temporary expired in the year 1770.

On the expiration of this Act Governor Eden and the Council settled the fees according to the Tables of the said expired Act and a Proclamation issued to notify the same

It is to be observed that fees have always been charged in Tobacco and it being inconvenient to Pay when and as soon as the Services are performed the Officers have always given Credit to the Suitors and the fees are annually Collected by the Sheriffs.

In the Acts of Assembly settling the Fees of Officers a Remedy was given to them to compel Payment of fees by Distress and on this Account particularly the Officers have been desirous of a Settlement by Act of Assembly and on Account of this Convenience to the Officers. Advantage has been taken or aimed at from time to time to reduce very much their Fees.

From the Expiration of the Act of 1747 to the present Time the Costs in all the Courts have been taxed according to the

rate of fees settled as above in the year 1770 by Governor Lib. 82, J. R.
Eden and the Council and the Judgments have been [settled]
accordingly.

First Qu^{re} Whether the King can by his Prerogative regulate the fees of Officers in his Plantations and whether he can Grant or has Granted such Power by his Letters Patent aforesaid which contains besides the Clauses above mentioned many Royal Rights

Second. Whether the Regulations aforesaid by the Prerogative and the Proviso contained in the several Acts above mentioned and the Course of the Judgments at Law and in Equity do not together with the Charter of the Province establish the Authority to regulate fees and make it part of the usage and Constitution of the Province.

We are of Opinion that the King had it in his Power originally to appoint the fees of the Officers in his Plantations, & that he has transferred that Authority by his Charter to the Proprietor of Maryland; But in those instances where that Power has been exercised It is no longer competent to the Proprietor to alter these fees: where cases arise of new Officers to which no fees have been annexed the Power remains in its original force.

E. Thurlow
Al. Wedderburn
J. Dunning

ORDERS AND INSTRUCTIONS

To be Pursued by our Trusty and well beloved Robert Eden Esq^r Lieutenant General and Chief Governor of the Province of Maryland in America.

Whereas We the Rev^d Doc^r John Moore, Dean of Canterbury, and Hugh Hamersley, and Peter Prevost Esq^{rs} Guardians of the Person and Estate of Henry Harford Esq^r Absolute Lord and Proprietary of the Province of Maryland in America an Infant of the Age of Fourteen years and upwards Have by our Commission bearing even Date with these Presents by and with the Privy Consent and Approbation of the said Henry Harford, Appointed you the said Robert Eden Lieutenant General and Chief Governor of the said Province during our Pleasure and the Minority of the said Henry Harford, which Commission you will herewith receive,

Now we do by these our Instructions require & Direct

1st. That you do immediately on Receipt of the said Commission Proceed in the making your Commission known as you and your Predecessors have heretofore done.

Lib. 82, J. R. 2^d That you Fill up the Vacancies in the Council which have been Occasioned by the Death of the late Lord Proprietary with the Names of the former Counsellors or of so many of them as shall at the time when these presents come to your Hands be living, with the Addition of such others as you shall find necessary in the room of such of the said Counsellors as shall be then Dead Subject to our Approbation.

3^d That you Do in like manner renew and fill up all the other Places and Offices in the said province which have become Vacant by the Death of the said late Lord Proprietary by Reinstating the late possessors thereof in their respective Places and Offices And, if any of such Officers shall be Dead, by appointing other proper Persons to Succeed to their places; for which purpose you are to Grant the usual Commissions subject also to our Approbation.

4th You shall Advise with the Council about Calling of the Assembly.

5th If there are any Revenue Laws which Expired with the Death of the late Lord Proprietary, or If there are any other Laws which then Determined and are proper to be Continued you are immediately on the calling such Assembly to Recommend to the Council and Assembly the forthwith Re-Enacting and Renewing of all such Laws.

6th You are to Conform to all such Orders and Instructions as were sent to you by the late Lord Proprietary or have been at any time heretofore sent to your Predecessors the former Governors of the said Province as you shall find them Entered on the Council Books of the said province so far as the same are not altered or Varied by these presents and where any Instructions have been Varied or altered by subsequent Instructions you are to follow such last Instructions.

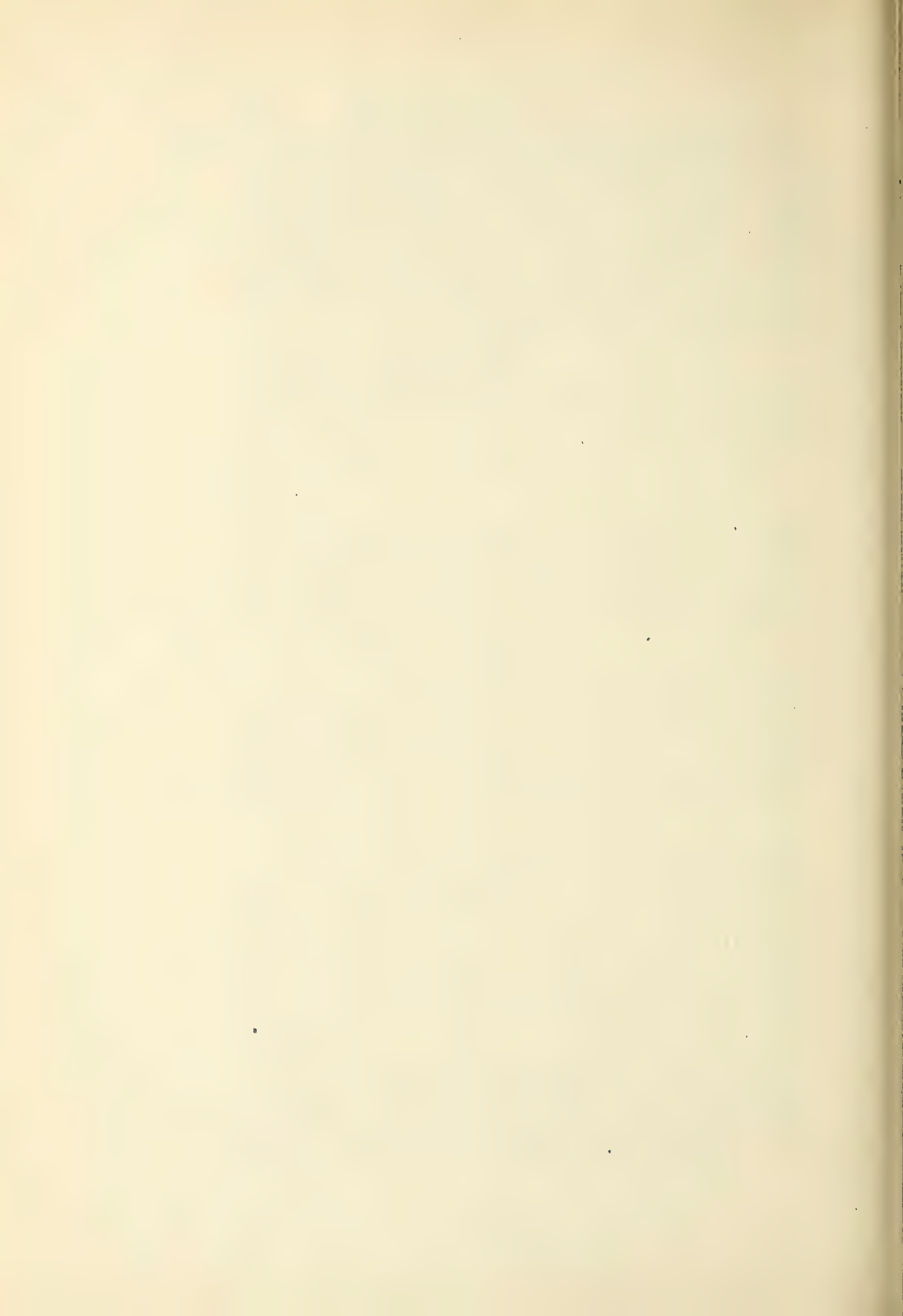
7th You are by the first Opportunity to Transmit to us the Names of all such New Members of the Council and other Officers as you shall Appoint in the Place or stead of any which shall be Dead as aforesaid for our approbation and from time to time as Opportunity shall Offer Transmit to us an Authentick Account of all your Proceedings by Virtue of the said Commission and these our Instructions and also of the Publick transactions of the said Province in like manner as has been heretofore done to the late Lord Proprietary and his Predecessors.

8th If any Emergency of Government shall Arise not Provided for by these our Instructions you are to Act therein According to your best Discretion with the Opinion & Advice Nevertheless of the Council for the time being Transmitting to us the Earliest Account of such your Proceedings.

9th You are to Cause these Instructions to be forthwith Lib. 82, J. R.
Entered on the Council Books of the said Province.

Given at London this second Day of March in the Year of
our Lord one thousand seven hundred and seventy three and
in the second year of the Dominion of the said Henry Harford
under the hands and Seals of the said John Moore, Hugh
Hamersley and Peter Prevost and under the Seal at Arms of
the said Province and with the Approbation of the said
Henry Harford Testified under his hand

Henry Harford	[Seal]
John Moore	[Seal]
Hugh Hamersley	[Seal]
Peter Prevost	[Seal]



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